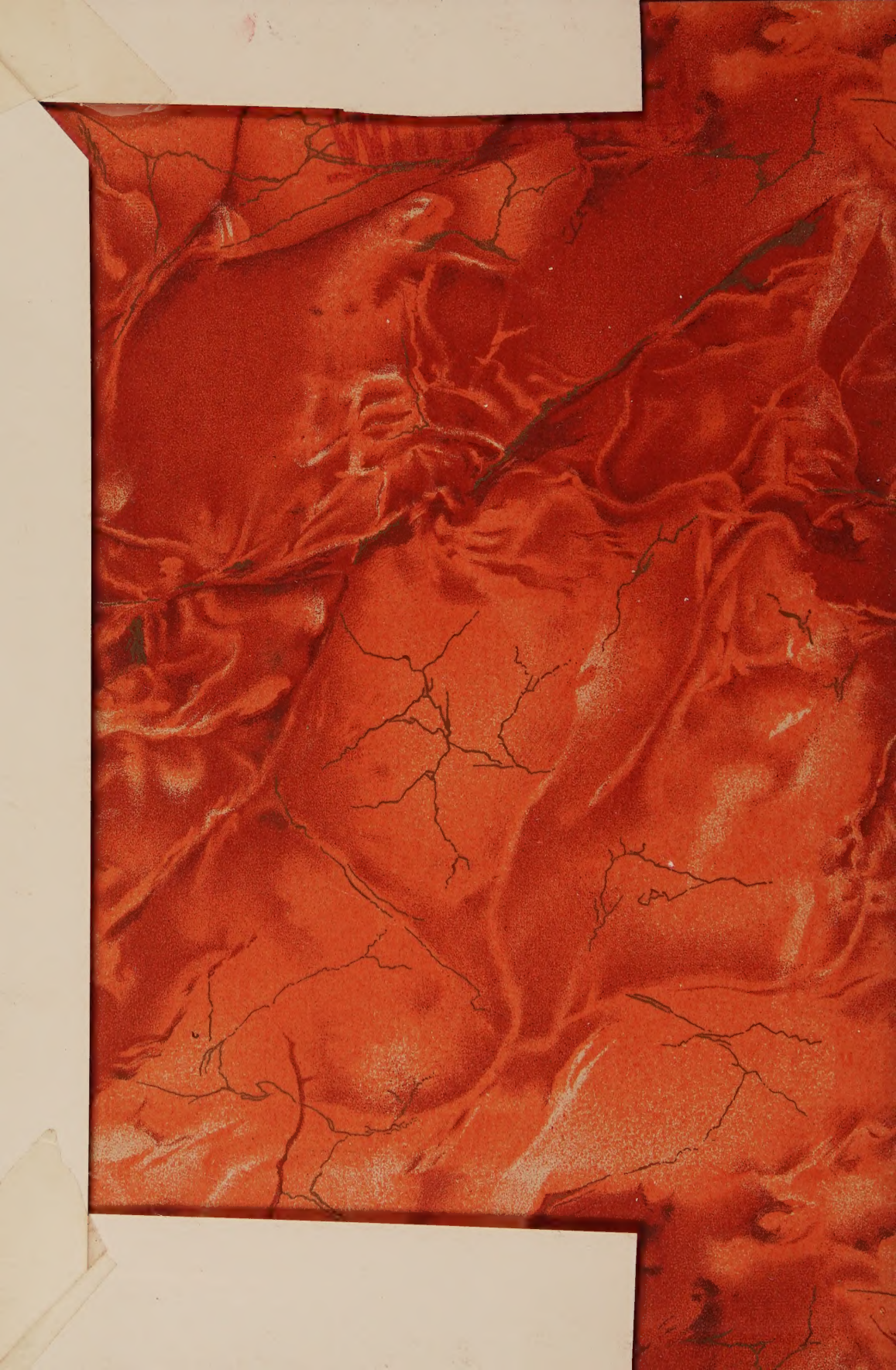

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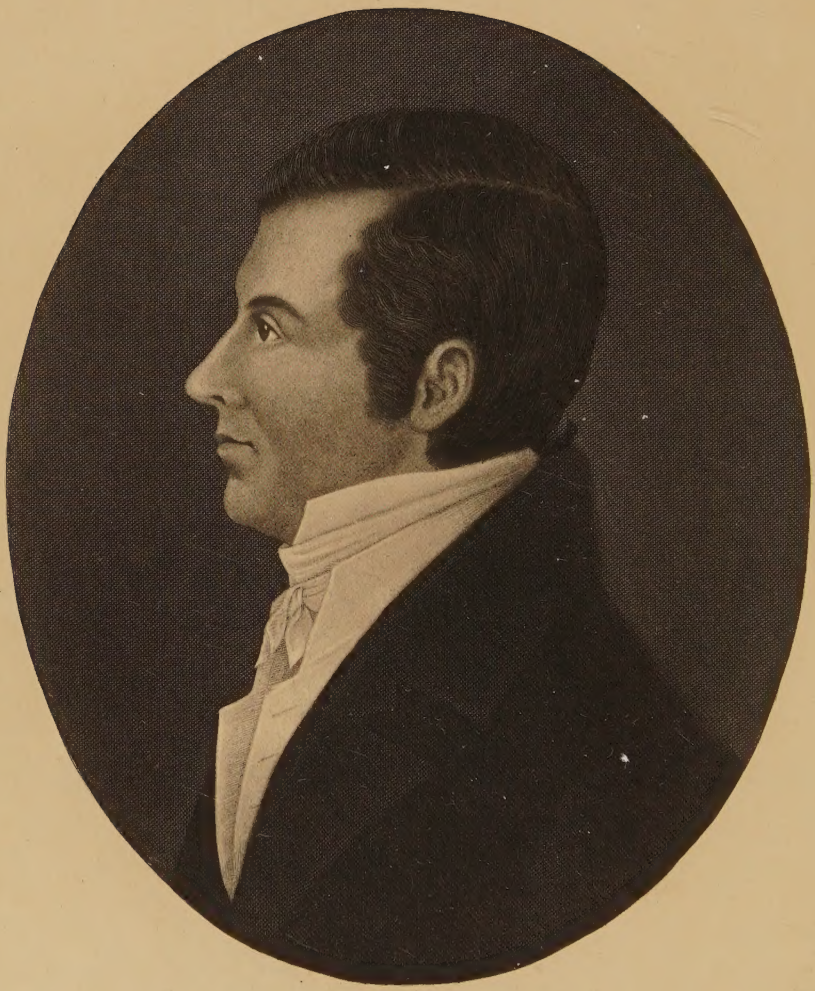

Edward Tilton

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History of Ohio

The Rise and Progress of an American State

By
Emilius O. Randall and Daniel J. Ryan

Volume Three
By
DANIEL J. RYAN

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PREFACE

THIS volume covers that period in the history of the people of Ohio in which they displayed the fullest strength of their capacity for development and self government. It was the Heroic Age of their history. It was during this time that they felled the forests and tilled the soil, established popular government and founded a great State, subdued the Indians and repelled a foreign invader, built canals and constructed a common school system; and as a result of this their State leaped from the eighteenth in rank in population to the third, and all of this was accomplished in two score years.

This marvelous development was not due to the mere accretion of growth resulting from time, but it was the direct work of the men who met and solved the problems of the period in which they lived. No better blood was ever given to found a State than that of the pioneers of Ohio; strong and healthy strains of other lands have since entered into its life.

Such a people cannot fail to have an interesting career, and in these pages is recorded their history. If, as Bacon says, "history makes men wise," it is because he who writes it deducts lessons from the past. So, remembering that "history is philosophy teaching by example," I have not been content wholly with making this volume a mere chronological table or a skeleton of facts, but have at times undertaken by deduction, criticism or otherwise, to give the reader a text for the thoughtful consideration of the lessons that can be derived from the past.

Columbus, Ohio.

DANIEL J. RYAN.

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Chapter I.

THE SOCIAL LIFE OF THE PIONEERS

THE tide of emigration westward started into the Northwest Territory with the settlement of Marietta in 1788. After the treaty of Greenville in 1795 had allayed all fears of Indian outbreaks, the stream of immigration into Ohio became steady and ever increasing.

This emigration was not permitted to go on without opposition from New England, from whence most of the early settlers came. Judge Timothy Walker, one of the pioneer lawyers of Cincinnati, gives his experience on this phase of the opposition to settlement in the Ohio Country. In an address delivered before the Ohio Historical and Philosophical Society at Columbus, December 23, 1837, he thus refers to this attempt to prevent immigration: "I can well remember when, in Massachusetts, the rage for moving to Ohio was so great, that resort was had to counteracting fictions, in order to discourage it; and this region was represented as cold, sterile, sickly and full of all sorts of monsters. Nor was this all. The powerful engine of caricature was set in motion. I have a distinct recollection of a picture, which I saw in boyhood, prefixed to a penny, anti-moving-to-Ohio pamphlet, in which a stout, ruddy, well dressed man, on a sleek, fat horse, with a label, 'I am going to Ohio,' meets a pale, and ghastly skeleton of a man, scarcely half dressed, on the wreck of what was once a horse, already bespoken by the more politic crows, with a label, 'I have been to Ohio.' But neither falsehood nor ridicule could deter the enterprising from seeking a new home. Hither they came in crowds."

Referring to the character of the early settlers he pictures from his own experience and observation the kind and nature of men that they were. While they did not bring affluence with them, they brought bold hearts and strong hands, which are infinitely better to reclaim a wilderness. He declared "that a population made up of immigrants, will contain the hardy and vigorous elements of character, in a far greater proportion, than the same number of persons, born upon the soil, brought up at home, and accustomed to tread in the footsteps of their fathers." The reason for this is apparent; it is only the men resolute and energetic that can nerve themselves to the severing of local, social and family ties, which is the first requisite in a pioneer.

Following the emigration, the arrival in a new country compels them to think, act and originate for themselves. There are no familiar customs to follow, no alliances of family or neighborhood, in which one leans upon another, and each helps all. On the contrary, immigrants meet as strangers, unknowing and unknown, and they must depend upon their own resources. Like soldiers of fortune, who, staking all upon the sword, have thrown away the scabbard, they know that they must either "do or die." These conditions built up a free, resolute and independent citizenship—the very kind of manhood upon which to lay deep and strong the foundations of a state.

Prior to the Marietta settlement, from the region south of the Ohio River, straggling bodies of trappers, hunters and early explorers, typified by Boone and Kenton, strayed into Kentucky and set about driving

out the Indians and settling the wilderness. These men were unlike the later Ohio settlers. They were a law unto themselves, and were but a step in advance of the Indian trapper and trader who had for many years braved the solitary woods in search of furs or peltries. These hunters and trappers were the first white men in Ohio, and were compelled to lead rough lives. Their dress differed but little from the Indian's —a coon skin instead of feathers for a headdress, and a blue linsey blouse with yellow fringe sometimes took the place of the Indian one of deer skin. Often alone, he became the companion of the Indian when he dared to have a truce with him. Generally, however, alert to danger, he preferred the solitude of the forest. There in an improvised lean-to hut, with occasionally a faithful dog, he sought security. His trusty gun and precious ammunition, worth more than gold to him, supplied him not only with a sure means of defense, but with meat to eat, skins to wear, and the furs and peltries of the bear, buffalo, beaver, elk and deer, as an income. By day he wandered with stealthy steps, by night he crept to secret coverts for repose, ever practicing the arts of savage warfare and border stratagem for protection.

Never greatly excited he met the greatest dangers with equanimity. Unlike the pioneer of later days, the hunter sought the wilderness because he loved the solemn shades. The restraints of society were vexatious to him, and as they approached, he plunged deeper into the woods. His whole life was a succession of adventures, dangers and vicissitudes spent midst the towering forests, its birds, its beasts, and its savage men, whose natures, to him, were as an open book.

His widest horizon was a clearing in the stately and gloomy forest, where the sun, the sky or the stars must have been a welcome canopy. Mayhap at times he rested by some quiet stream or rushing river, whose waters were to him a gleam of light upon which he feasted with a delight inconceivable.

The ranks of these hunters and trappers contributed little to the future career of Ohio. In a few instances they ceased their wild roving and became valued members of the early surveying parties and ultimately distinguished citizens of Ohio. A type of these was General Duncan McArthur. His career was varied and remarkable, and indicative of what a man could become in those days. From first to last he was a packer across the Alleghenies,—a private soldier,—a salt boiler,—a hunter and trapper,—a frontier spy,—a chain carrier,—a surveyor,—a member of the Ohio legislature,—a colonel,—a general,—a member of Congress and lastly governor of Ohio.

The first and roughest phases of pioneer life followed upon the heels of the life of the hunter. It differed radically from it. The true pioneer was a settler and not a rover, yet many of the fierce dangers that confronted the hunter kept the early Ohio settler on the alert to maintain his life and property.

In the early settlements the first thing built was a blockhouse, around which the cabins were grouped. Indeed it was essential to have a garrisoned fort not far distant, for the fierce Indian was ever lurking in the forest ready to scalp or kill the white man with whom he was at war. The howling of the wolves could ever be heard, and the bear and the panther were

to be reckoned with. The buffalo was scarcely a reminiscence and the wild turkeys' call greeted the hunter at every turn. The early literature of Ohio abounds with thrilling adventures of this period, and relates many a bloody encounter with the Indians and wild beasts.

Women and children, and even men, were not safe beyond the clearing in the forest around their humble homes. Wives lived in terror lest the savage enemy should massacre husband and children; but the rifle was at every doorstep, and ever within reach of the early settler. At night it stood beside his humble couch, and at home, in the forest, or at his log-house church, it was his constant companion.

But the ax of the pioneer was a more potent weapon, for with it his strong arm razed the forest, built the cabin, the church, the schoolhouse, and the mill, before which the savage, the wolf, the panther and the bear fled in dismay—fled forever with their dangers into the gloomy vales of distant forests.

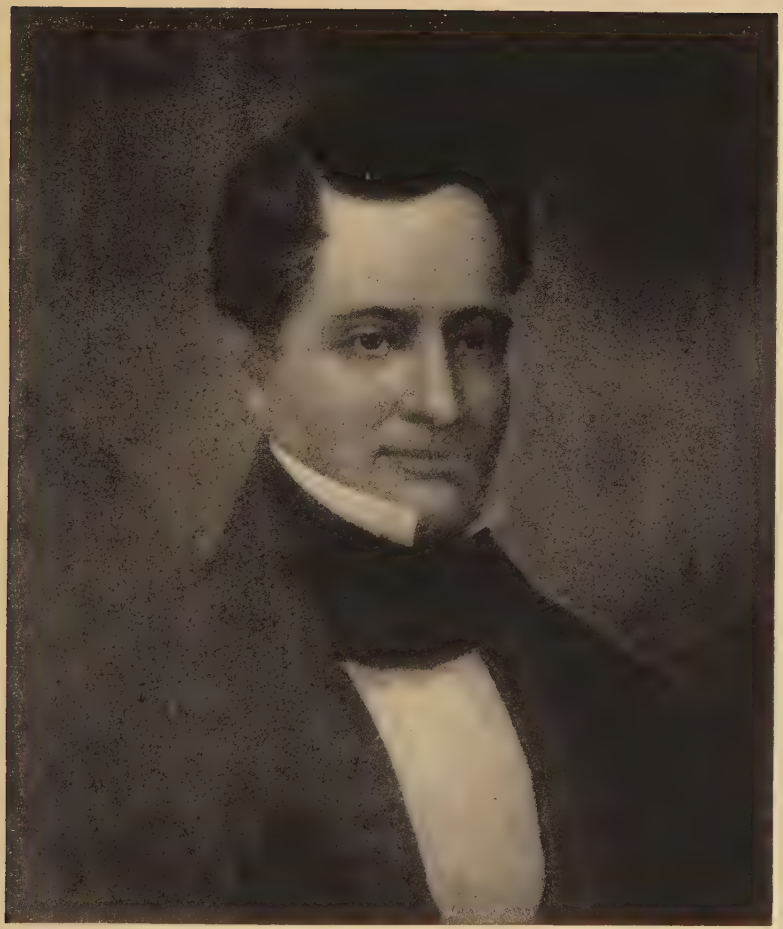
In these wooded shades where life was but a chance midst lurking dangers, the stoutest hearts doubtless grew heavy and cheeks pale, when by the dim candle light their thoughts reverted to the romantic New England or Virginia village, in which they had spent the delights of their youth. They contrasted mayhap, the rude cabin with its rough insufficient necessities with the rural cottage midst the sweet New England hills, and sadness thickened over their memories. But time grew new joys to supplant those of memory, and the dreaded forest touched with pity, became gentler and

less fierce and buried in their solitary depths the waning echoes of the sad thoughts of their old sweet home.

General Anthony Wayne won his signal victory at "Fallen Timbers" in 1794, and the whoop of the Indian was heard no more in eastern, and southern Ohio. Henceforth the life of the pioneer was unfretted with external dangers, and quietly pursued its rough but virile career, evolving that splendid generation of men and women to whom Ohio owes all her accomplishments.

The first generation of Ohio was drawn from all parts of the older colonies. The New Englander settled at Marietta and upon the lands of the Ohio Company; men from Virginia peopled the country between the Little Miami and the Scioto; New Jersey men made their home upon the Symmes tract; the Pennsylvanians poured over into the "Seven Ranges"; and the Connecticut and New York farmers flocked into the Western Reserve. These gradually commingled and leavened Ohio with her best blood. The history of the State, however, is full of evidence that the original settlement gave a persistent color of character to these respective regions. Thus the restless energy, enterprise and versatility of the New Englander is evident where he abounds, and the thoughtful conservatism of the Virginian has blossomed into a galaxy of splendid names which stand through history for the strength of the entire nation, and the sturdy conscience of the Scotch-Irish and Quaker have sprinkled all with a decided savor.

But the life of these old pioneers from which has flowed, as from a fountain, events great and small,



must be pictured. That picture when contemplated from this age abounding in artificiality has all the charms, color and beauty with which nature clothes her own. It is a beautiful picture because that life was close to nature and partook of the inscrutable handiwork of the Maker of all things. Its works were ever great because they were the first echoes of nature's voice, and its works were immortal because that voice never ceased to echo.

The sturdy men and brave women who entered upon this life were generously equipped for it. They, as a rule, were the merchant, the farmer, the mechanic, the soldier, the politician, ready to make war, or to make law; to put their hands to the plow or to the helm of state as their country might require. Ever patient, ever industrious, frugal and provident, with a love for learning and a reverence for religion, alert to virtue and quick to resist oppression and wrong. Such were the husbandmen that wrought the wilderness of Ohio into a garden.

But there was dross among them. The idle, the dissolute, the wayward, impatient of the restraint of law, the unfortunate, reckless in despair, and the helpless drifted with the tide, but they faded away or became at most the useless ballast of society.

As the stream of pioneer life became less tumultuous, it became greater in volume. Thousands crowded into the primitive "arks" of the day, floated down the Ohio River to their new homes, bringing with them the bare necessities of life. An ax, an auger, the trusty knife and rifle, a flintlock in those days, a plow perhaps,

with a minimum of bedding and clothes, a few iron and pewter utensils and a faithful dog. This was their "outfit."

These river rafts or "arks" were a feature of early life. At the beginning they were built of rough lumber at Pittsburgh or wherever the water journey started, and usually by the head of the emigrant family or party. It was designed for the special trip and at their destination was dismantled, and the lumber used in building cabins and barns. It was supplied with a great steering oar at the rear, and was intended to float with the current. It was usually of considerable dimension, decked over and furnished comfortably. A long and eventful trip it was likely to be.

The dangers of grounding, and in early days of being waylaid by the Indians, were always at hand. Yet it must have been picturesque to the most prosaic voyagers. The deep green forests which shaded the high terraces of the Ohio River with the stately sycamores stalking like ghosts along the shore, the fish glinting in the swirling waters, the thrushes singing their carols, and the dim mysterious light of the tall woods as the passerby gazed into them, as into a ruined cathedral, must have filled the mind with a sense of sacred repose that softened the hardships incidentally encountered.

Arrived at his destination the emigrant at once tasted of the sweets of hospitality. He and his family seldom failed to share the frugal cabin of an older settler. It was never too full for the stranger in need. Children were tucked away in trundle beds or on pallets. Clothes and quilts were arranged in hangings to shield one

family from another, as they sought rest in the single cabin room. An anecdote related by an Englishman will illustrate the meagre utilities of the pioneer. He was sojourning in the Western Reserve in the early days of the nineteenth century. His host in order to provide sufficient room at his humble table, unhinged his only door and put it in place of the bench ordinarily used by the family for that purpose. The generous meal of hoe cake, a brown ration of bacon, venison, potatoes and pumpkin pie doubtless obliterated the memory of all inconveniences and made him at peace with the world.

As soon as practicable after the arrival of the emigrant and family, a day was set by his future neighbors for a "house-raising" upon the land he had chosen to make his home. This was an event in pioneer life. It was one of those occasions when a community of labor was at the same time an instance of hospitality and a time of general merry-making and rejoicing. It was one of those events which stuck warmly in the memory of all concerned, and was related with much gusto long years after to grandchildren.

On the appointed day the neighborhood gathered to build the log cabin. A party volunteered as wood-choppers, whose business it was to fell the trees and cut them to the proper length. A man with a team was at hand to haul them, or if the logs were close by, a log chain was attached and they were "snaked" to the cabin site. The logs were assorted and placed in convenient places for the builders. A carpenter, if there was one, searched the woods for a proper log for making clap-boards for the roof. It must be

straight grained and three or four feet in diameter. These boards were split about four feet long and were used without planing or shaving. Another party was employed in preparing "puncheons" for the floor of the cabin. These were split logs hewn and smoothed with a broad ax.

These materials for the cabin were usually prepared the first day; the second was devoted to the "house raising." Four experts were placed at the corners, whose duties were to notch and place the logs. The rest of the company furnished them with timbers and laid the puncheon floor. An opening was left in the wall about three or four feet wide for the door and another for the window, and one wider than the rest for the broad chimney to be built outside of the cabin at the back end. This chimney was built of logs lined with stone or plastered thick with sticks and straw or grass. This plaster served for "chinking"—that is, for filling the interstices between the logs in the walls. The roof of clapboards was held down by logs placed lengthwise and bound firmly to the structure. Not a nail was used, wooden pegs doing service instead.

Now after all the labor came the reward that was to seal the good-will and friendship so well begun. The owner for whom this was done gave a "house warming." The same neighbors all gathered, and such feasting, singing, gossip and dancing does not grace and warm the hearts of this tussling age of the world. We can only look back upon it and our imaginations echo in a minor key the free, wholesome, unconventionalized happiness of those olden days. The wrinkled faces of our grandfathers and grandmothers

flush with joy as they recall such scenes; for perhaps it was at one of them that the delicate cords of love began first to attune their heart strings.

As soon as practicable the farmer, for that was what the emigrant had now become, fashioned a rough puncheon table, some three legged stools, for three legs adjusted themselves better than four to the uneven floors. Later these stools were associated with the hickory backed splitbottomed chairs familiar even now, as relics. The primitive beds of the early pioneer were wide, low platforms, built in a convenient corner. As the family grew, a puncheon floor was built on the rafters, and a ladder led to the bedroom in the shallow loft. Long wooden pins were driven into the log walls, which supported shelves upon which were displayed pewter plates, basins and spoons scoured bright. Sometimes an eight by ten inch looking-glass sloped against the wall over the towel roller. Pots in time accumulated and were hung under the shelves, and a gun hung on a hook near the door. A clumsy shovel and a pair of tongs with loose joints and one shank straight, so that a blood blister followed a pinch by a careless handler, stood by the fire place. A spinning wheel and working tools found a place, when not in use, in the corner. Wearing apparel and extra bedding hung on pegs along the wall, and in winter strings of dried apples and peaches lined the rough rafters. In the very early days glass was unobtainable, and greased paper admitted a dim light from the only window. Before supplies began coming down the Ohio River, or facilities existed for home manufacture, candles were rare, and their place was supplied by the

burning of pine or hickory knots, or the grease "dip"; or if it was winter, the roaring fire in the wide fireplace afforded the only light. Then the days were full of weary toil, and soon after night fall the people fell to rest. Their evenings were short and light was not long in demand.

The cooking was all done on an open fire. The three legged Dutch oven with iron lid, spiders, skillets, and the everlasting iron pot were the chief agencies for frying, boiling, baking, and roasting. A pair of fowls, a turkey, or a joint of meat were often hung up in front of the fire by a strong cord, and some child was kept busy turning it so it would roast well, and turning himself so that he wouldn't.

The daily baking was done in the Dutch oven with a bed of glowing coals under it and on the lid; the biscuits were baked in the covered spider; the pot hung from the crane for boiling. Corn meal was molded into "Johnny" cakes which were baked on a slanting board before the fire; if packed in cabbage leaves and cooked in the ashes, it was called ash cake. But the chief baking was done out of doors in a clay oven kept heated with chips and wood.

Those were indeed wretched who were reduced to "hog and hominy." The whole family, women, boys and men labored hard and long. The keen appetites seldom failed to find a simple but sumptuous meal, one that was sweet even in memory. In early days venison and bear meat were not rare, and the garden patch furnished roasting ears, cabbage and potatoes. It was not long before milk and butter were plentiful, and chickens, geese and turkeys soon became so. Corn

meal took the place of flour, but salt was scarce and costly. These pioneers were a sturdy race sturdily fed, and grew strong and forceful enough to withstand difficulties, to which a less hardy people would have succumbed.

The dress of the pioneer was very plain and generally made of a fabric spun by the women of the family. The wool of the few sheep, which almost every farmer kept, and the flax that grew in the flax patch furnished the materials. The wool was carded and the flax pulled and dressed, and both were spun and woven into the family linsey garments of the day. The young women felt themselves well dressed in a "linsey" gown, being commonly worn at church, singing school and frolics. The young men, in summer, wore shirts and pantaloons made of coarse linen woven from the best grade of the flax. Before the facilities for manufacturing "fullers" cloth and the "stogie" boot came to hand, their winter dress was deer skin leggings and moccasins, worn with a heavy linsey blouse or shirt. In summer, men, women and children pursued their daily labors barefooted. Indeed, foot-wear was accounted so much of a burden that maidens would "tote" their shoes to church, stop just before getting there at some convenient place along the road, put on their shoes and stockings and after church, take them off again. Their shoes were doubtless coarse and tight and hurt their freedom-loving feet.

Before cloth could be spun and crops gathered, a clearing had to be made in the forests for the fields. This could hardly be called a clearing at first, for the underbrush and small trees were cut and burned,

and the larger trees deadened by cutting a girdle through the inner bark; the leaves yellowed and fell, and then there was enough sunshine to ripen the corn, pumpkins, and garden "truck" planted amidst the dead trees. In time these skeletons became dry and were grubbed out and at last the field was clear.

This clearing of the dense forests that once covered Ohio has proven a Herculean task, and has required the persistent energies of our hardy forefathers to accomplish it. The raising of crops required the building of barns and the housing of stock and grain. By this time a surplus was on hand and the one-time emigrant began to emerge from his primitive pioneer stage. His sons were now grown up and he began to enjoy the reward of his frugal and laborious life in the greater comforts that at last made that life luxurious.

Indeed, the pioneer life was far from being stolid, grave and leaden. These days of labor were seasoned with frolics. In the towns, which in those early days were Marietta, Cincinnati, Chillicothe and Cleveland, we read of balls and soirees and amateur theatricals; outside of these places the pleasures of life took another, but equally enjoyable form. At the harvestings, the huskings, the quiltings, the house-raisings and in fact at any prolonged task the neighbors came in to help. This was always the signal for a frolic, which was the only reward for labor. Nor did they forget the unfortunate. If any neighbor was sick, or shorthanded, and his crops needed gathering, all hands turned out with sickle and rake and saved it.

The event of the harvest was the "husking bee." It was an occasion of jollity where young and old

gathered for a frolic. Everybody was welcome and everybody came. Prior to the gathering the farmer lads had gone through the corn field, pulled off the ears and husks together, and thrown them on the ground in heaps. They were gathered up, hauled into the barn yard, and heaped nearby in a long pile four or five feet high. Care was taken to make the pile symmetrical from end to end, so it could be divided by a rail laid across the center.

It was evening when the husking party assembled, and the ceremony took place by the weird light of the stars or moon. Two captains, formerly chosen, called out one from the crowd alternately, until all were chosen. Then a trusted member of each party walked solemnly along either side of the heap to detect in the dim light any unevenness or flaw. Finally they decided where the rail should be laid that divided it in twain. This done, the captains set a man at each side, whose duty it was to cut the heap as rapidly as possible where the rail lay. Then the parties fell to husking, standing along the heap with it in front of them, throwing the corn over the heap in front and the husks behind them. From the time they began until they finished each one worked incessantly and feverishly, unless perchance he bolstered up his nerve by taking a nip from the passing "jug of inspiration."

The captains coached their respective parties and urged them on desperately. The side which finished its task first seized its captain and amidst triumphant shouts bore him on their shoulders jeering and bantering the defeated party. At last all hands fell to, in carrying the husks to the fodder house, where they were kept protected from the water.

In the meantime the matrons and the maids were preparing the feast. This was the bounteous season of the year when the turkeys and pigs and chickens were fat. Their carcasses had been dangling and sizzling before the huge fire, and the rich aroma from their browning sides wafted to the busy huskers in the barn yard, whetted their appetites and urged them on to the feast. The shouting and cheering of the victorious party was the signal for putting the supper on the table. Soon the robust forms of the huskers, flushed with labor, mingled with their wives and sweethearts, whose cheeks, too, were rosy with the excitement and labor of the day. The merry din and chatter of the feast echoed beyond the spacious cabin and lost themselves in the moon-lit forest. The bountiful repast melted before keen appetites.

Soon the tables were cleared, some thoughtful swain began to draw upon his fiddle and the dance began. Love, merriment and joy warmed the hearts and tingled the blood of old and young, and the youth who saved the red ear that he had husked, seized some rollicking maid and claimed the kiss to which he was entitled. It was wonderful how many red ears of corn there were in the husking, and how many red ears of another sort there were after the kissing. 'Twas the "wee sma' hours" of the morning when the husking bee broke up, and no telling how many sweet secrets were told that set the hearts of the lads and lassies to tingling as they wended their long way home through the cool twilight.

Then there were quilting parties, sewing, spinning parties and weaving parties that kept the busy dames

from growing sad. There were few newspapers and little literature in those days, and gossip was the chief avenue of information, and right heartily was it indulged in. Public opinion was the great moral defender, and it was at these gatherings that public opinion was formulated and expressed among the rural folk, so that even gossip performed a healthy function in those olden days.

The wedding was the occasion of great rejoicing, as it has ever been. The house-raising, as already described, often provided a home for the newly married couple, but the "infair" was the chief event.

A wedding "infair" as it took place among the very early pioneers has been described somewhat as follows: On the morning of the wedding day the groom and wedding party assembled at the house of his father, with the purpose of reaching the home of the bride by noon, the usual hour for the ceremony. The men were dressed in linsey hunting shirts and other home-made apparel; the women in linsey petticoats or linen gowns with few ruffles or ornaments. All were on horseback with rough homemade saddles and bridles. The march was double file, lady and gentleman side by side, if the narrow forest path admitted. But all was not likely to go well, for sometimes mischievous persons prepared an ambuscade by the wayside, guns were fired from cover, and the horses of the shrieking girls springing to one side caused many chivalric deeds by their escorts who usually rescued them unhurt, much to the merriment of the rest of the company.

Another ceremony often occurred before the house of the bride was reached. It was called "running for

the bottle." When the party were about a mile from their destination, two young men, the most expert riders, were singled out to ride for the bottle, which was at the home of the bride. The rougher the path, the more logs and brush, and deeper the intervening hollows the better. The one to secure it at once announced his success by a "whoop" that could not fail to be heard by the approaching horseback party. Riding back he passed the bottle first to the groom, then to his attendants and finally it was passed clear down the line, each taking a dram in honor of the occasion, and eventually it was returned to the victor who tucked it proudly in the bosom of his shirt and rode on with the company.

After the marriage ceremony there was a substantial feast, during which great hilarity prevailed. Dancing followed which often lasted through the night. It consisted of reels, square sets and jigs, which continued until the company in weariness concluded to go home. The account as given by an old chronicler is much more in detail, a prominent feature of which was the frequent production of the jug, or "brown betty" as it was called.

One would think from the constancy with which the "bottle" is mentioned in the varied features of early pioneer life, that these people were given generally to an immoderate use of whiskey and intoxicants. Such was by no means the case. In many of the early communities the prevailing forms of hospitality could not be carried on without them. Many men took a dram as an appetizer before meals, but drunkenness was as much of a disgrace then as it is now, and less

FACSIMILE OF MARRIAGE CERTIFICATE

Issued by Charles William Byrd as Acting Governor after the removal of General St. Clair. Original in possession of Daniel J. Ryan.

FACSIMILE OF MARRIAGE CERTIFICATE

Issued by Charles Willson Byrd as Acting Governor after the removal of General St. Clair. Original in possession of Daniel J. Ryan.

To any Ministr of the Gospel, or to any other Person authorized to solemnize the Bands of matrimony in the North Western Territory:

This is to license and permit you to join together in the Bands of holy matrimony Miss Elizabeth Corwin and Mr Samuel Gowdy both of the County of Hamilton, and for so doing this shall be your authority.

Given under my hand and Seal the 24th Day of January in the year of our Lord 1803, and of the Independence of the United States the 27th

Charles Willing Byrd.
Acting as Governor -

frequent. Whiskey was very cheap, and in those days of constant wearing toil in the wilderness, it was often a refreshing and needful stimulant. It frequently took the place of medicine and was supposed to lessen the severity of the dreaded "ague."

But the life of the pioneer was not all work and frolic. He had a decided reverential and serious religious tone to his character. He believed in living earnestly and righteously. There was, as a rule, not much of the sanctimonious about him, but his religion was near to him and he was tenacious of its rights. Those under his control he required to observe the duties imposed by his religious convictions and maintain the moral standing of his home. The pioneer life was a rural one and church going and Sunday observance were imperative duties. He and his family went regularly in the wagon or horseback to the rude log church, in a clearing in the woods or possibly near a settlement of which he was a part. He with many others hitched his horses to the trees that surrounded the church, and if the day was wet, the harness and saddles were brought inside. The church had a big fireplace with a broad hearth and it roared cheerfully on the cold wintry days. The minister was provided with an old chair and table which contrasted dimly with the rough benches used by the humble audience on Sunday, and by the school children on week days, for the schoolhouse and church were the same. The sermon was of the stern, lurid, dogmatic nature suited to their solitary lives. A morning and afternoon service with Sunday school intervening consumed most of the day. Prayer meetings were held "when the sun was an hour

high, or at early candle light," and in the winter when the roads were bad and the nights dark, some lighted themselves to prayer meeting, through the woods, by torches made of long strips of hickory bark which they held aloft and brightened occasionally by knocking the burnt end against a tree.

The camp meeting marked the crisis of the religious excitement especially in Methodist communities, and was a familiar feature of pioneer life all over this country and varied only in intensity. It was a ceremony that brought the people together, fired by a spirit of strong earnestness and reduced many a turbulent faction to quiet contemplation.

But the camp meeting in Ohio was as it was elsewhere as picturesque as it was earnest. Great preparations were made in anticipation of it. Great quantities of food were provided by whole communities, for most of them camped in tents or improvised huts while the meeting lasted, sometimes for a week or more. It was a season of hospitality and rejoicing as well as of religious revival and the people threw their whole souls into its celebration.

The scene presented to one approaching the camp consisted of a great number of horses tied to the rail fences and trees; the wagons partly dismantled among the tents and huts; the hustle of the crowd in all phases of loading and unloading camp utensils, and the preparing of meals. In the midst of the congregation sitting on log benches, the voice of the preacher could be heard as he exhorted them to religious awakening. As the agitation grew stronger and the passions and the emotions arose, those who sat on the mourners' bench

became uncontrollable. The loud voice of the preacher was drowned amidst the shouting, screaming, clapping of hands, leaping, jerking, falling and swooning of those who had "got religion." High above the hubbub arose the sweet voiced melodies of old familiar hymns that stirred the sternest hearts and filled the more tender ones with ecstasy. Then dinner was served, to which every stranger and wayfarer was welcome. Indeed there was no stranger, for such distinction was blotted out in the fervency of religious fellowship. At the opening of the afternoon service another orator arose. Amidst the profound silence, an earnest and pathetic prayer was poured forth broken only by the low murmuring "Amens" of the responsive listeners. Then midst singing and exhortation the excitement again arose and again died away.

At night large fires were kindled. The busy campers, the swaying of the excited crowd, the gyrations of the preacher on his high platform, all gleamed and glared in the fitful light. The white tents peered like ghosts from out of the dusky woods whose tall trunks were like a lofty colonnade in the romantic gloom. It was, altogether, with the accompanying screams and shouts, a gruesome scene, worthy the Druids of old.

In the year 1800, and for several years following, an intense and widespread religious excitement prevailed in Ohio, principally in the southern and eastern portions. This feeling was publicly manifested in the camp meetings and in the astonishing and powerful revivals of that time. Both historically and psychologically this movement forms the basis for an interesting study of the social conditions of the pioneer community. The

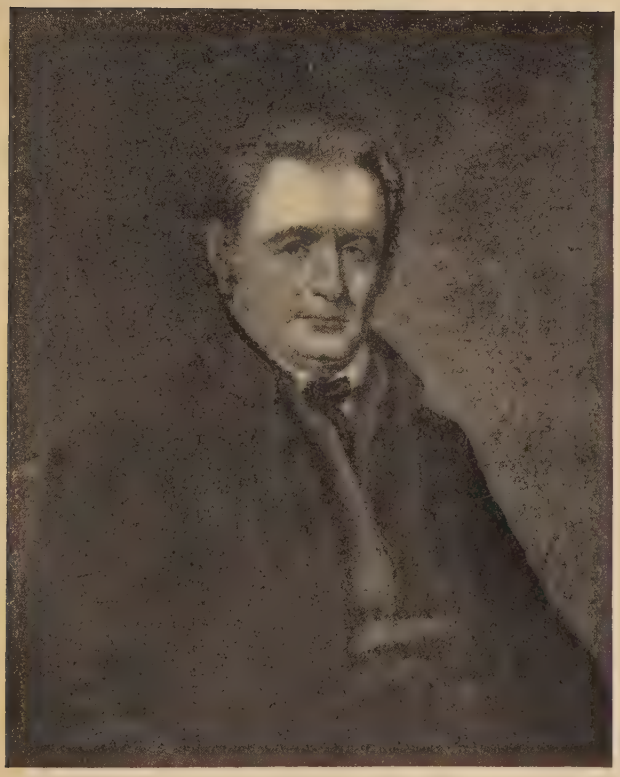
camp meeting undoubtedly raised the moral tone of that period, did much to repress and redeem the lawless element, and contributed largely to that persistent religious and virtuous life of these old pioneers to which is due much of the high reputation of Ohio.

James B. Finley, a pioneer Methodist preacher, has left in his writings the most vivid and detailed description of the camp meeting of these days. Finley was one of the most forceful characters of his time; he was of giant form, of belligerent, yet benevolent disposition and of courageous spirit. He was born in North Carolina in 1781 and spent his lifetime of seventy-five years in wondrous activity, closing it by writing valuable contributions to the pioneer literature of Ohio. As a result we have his "History of the Wyandott Mission at Upper Sandusky, Ohio" (1840); "Memorials of Prison Life" (1851); "Life Among the Indians" (1852); "Autobiography" (1853); and "Sketches of Western Methodism" (1854). No other Ohio writer has left us such a mass of informing and instructive facts concerning the religious life and the social manners of the pioneers. He had opportunity to witness every phase. He labored for many years as a missionary to the Indians, who called him "Ra-wah-wah," or "The Old Chief." He was a tireless circuit rider,—one whom no labor weakened, no scenes disgusted, and no danger frightened in the discharge of his duties.

In his "Autobiography" he has pictured the camp meeting from the standpoint both of a mental philosopher and a moral teacher. Concerning one of these events he writes: "We will now try to give something in reference to the manner and the exercise of mind

JAMES B. FINLEY

Born in North Carolina, July 1, 1781; a pioneer Methodist missionary of Ohio; a copious contributor to the early literature of the State regarding its pioneer life and history; was a missionary to the Wyandot Indians for many years; died at Cincinnati, September 6, 1856.



of those who were the subjects of this work. Immediately before they became totally powerless, they were sometimes seized with a general tremor, and often uttered several piercing shrieks in the moment of falling. Men and women never fell when under this jerking exercise till they became exhausted. Some were unable to stand, and yet had the use of their hands and could converse with companions. Others were unable to speak. The pulse became weak, and they drew a difficult breath about once a minute. In many instances they became cold. Breathing, pulsation, and all signs of life forsook them for hours; yet I never heard of one who died in this condition, and I have conversed with persons who have laid in this situation for many hours, and they have uniformly testified that they had no bodily pain, and that they had the entire use of their reason and powers of mind. From this it appears that their falling was neither common fainting nor a nervous affection. Indeed, this strange work appears to have taken every possible turn to baffle the conjectures and philosophizing of those who were unwilling to acknowledge it was the work of God. Persons have fallen on their way home from meeting, some after they had arrived at home, others pursuing their common business on their farms, and others when they were attending to family or secret devotions. Numbers of thoughtless, careless sinners have fallen as suddenly as if struck by lightning. Professed infidels, and other vicious characters, have been arrested, and sometimes at the very moment when they were uttering their blasphemies against

God and the work, and have, like Saul, declared that to be God's work which they so vehemently persecuted."

He also recites the following as showing the surroundings of camp meeting life: "During the religious exercises within the encampment, all manner of wickedness was going on without. So deep and awful is man's depravity, that he will sport while the very fires of perdition are kindling around him. Men, furious with the effects of the maddening bowl, would outrage all decency by their conduct; and some, mounted on horses, would ride at full speed among the people. I saw one, who seemed to be a leader and champion of the party, on a large, white horse, ride furiously into the praying circle, uttering the most horrid imprecations. Suddenly, as if smitten by lightning, he fell from his horse. At this a shout went up from the religious multitude, as if Lucifer himself had fallen. I trembled, for I feared God had killed the bold and daring blasphemer. He exhibited no signs whatever of life; his limbs were rigid, his wrists pulseless, and his breath gone. Several of his comrades came to see him, but they did not gaze long till the power of God came upon them, and they fell like men slain in battle. I was much alarmed, but I had a great desire to see the issue. I watched him closely, while for thirty hours he lay, to all human appearance, dead. During this time the people kept up singing and praying. At last he exhibited signs of life, but they were fearful spasms, which seemed as if he were in a convulsive fit, attended by frightful groans, as if he were passing through the intensest agony. It was not long, however, till his convulsions ceased, and springing to his

feet, his groans were converted into loud and joyous shouts of praise. The dark, fiend-like scowl which overspread his features, gave way to a happy smile, which lighted up his countenance."

These were the days when hunting and fishing were not only a pastime but a vocation. In the woods abounded deer, bear and wild turkey. The raccoon, chipmunk and squirrel, and other small game could be had for the shooting. The beaver could still be trapped along the shallow streams. Furs and peltries were valuable and a source of considerable revenue to the frontiersman. Fish were plentiful in the streams and furnished the substance of many a refreshing meal.

The schoolhouse was as necessary an accessory to the most primitive settlement as the church, and its furnishings were on the usual rough and simple scale afforded by the times. The log schoolhouse with its "puncheon" benches along which dangled the legs of the urchins, was in harmony with the primitive table and the three-legged stool of the schoolmaster. He, mayhap, lank and lean, looked gravely over his spectacles, enforced discipline with the rod and dispensed knowledge of reading, writing and arithmetic with stern demeanor. Yet the log schoolhouse was the cradle in which was nurtured that comprehensive and effective system of education which the Ohio youth now enjoys.

Politics was an important factor in the social life of the pioneer. In this relation, as in his religious life, he was strenuous and obstinate. His spirit of freedom asserted itself in his politics, and upon opposition his nature bristled and stood guard to his convictions.

The whole strength of his rugged nature was exerted in giving vent to his political predilections; these he undertook to impress upon others with vigor, and the result led to acrimonious discussions, and often blows. Persuasion seldom convinced him, and his course was only bent when impressed that right and justice demanded the change. He subdued his political opponents with the same vigorous strokes with which he felled the forest trees, and the result was quite as speedy and complete. This nature and disposition of the pioneer will account for much of the political bitterness and rancor evident in the early politics of the State of Ohio; and as its history develops the reader will find that politics formed one of the greatest influences in the life of its people.

The laws under which these early pioneers lived were remarkably drastic, and seemed more for a barbaric people than American citizens. The Ordinance of 1787 vested all powers of the Territory of the Northwest, legislative, executive and judicial, in the Governor and the Territorial Judges. These officers promulgated at Marietta, September 6, 1788, "A law respecting crimes and punishments." It is a curious study in legislation. If it proves anything, it demonstrates that while the great body of the citizenship of the Territory was good, those that were bad and lawless must have been very bad; and that only the most certain and cruel punishment would restrain them. The sparse and isolated population made it essential that all offences against the peace, order, property and person should be remorselessly stamped out or prevented.

For instance, the law punished mob violence with a fine of three hundred dollars, and a flogging of not to exceed thirty-nine stripes, and the culprit had to find security for good behavior for a term not exceeding one year. Burglary was severely dealt with. For breaking into a building with intention of stealing the penalty was thirty-nine stripes and security for good behavior, and in default of security imprisonment in jail for not exceeding three years. If any violence to the person was used or attempted in committing the burglary, upon conviction, the offender's property, real and personal, was forfeited to the Territory, out of which the injured party should be recompensed, and a jail sentence not to exceed forty years followed.

Parental authority was vigorously sustained, for the law provided that any child or servant that refused to obey the lawful commands of his superiors, could on conviction be sent to a jail or house of correction until "he, she or they shall humble themselves to the said parent's or master's satisfaction"; and if a child or servant presumed to strike his parent or master he was whipped ten stripes. For larceny, the penalty of the first offense was the restitution of two-fold value the things stolen, or if not recovered whipped not exceeding thirty-nine lashes. But if the offender had no property the sheriff could "bind such person to labor" for a term not exceeding seven years to any one who would discharge the sentence. A person convicted of drunkenness was fined "in the sum of five dimes" for the first offense, and a dollar for each additional one. Failing to pay the fine and costs the offender was "set in the stocks for the space of one hour."

Such were some of the provisions of the first criminal law of the Territory. It was not very generally enforced owing to the lack of the means of punishment, so we find on August 1, 1792 an act was passed "directing the building and establishing of a court house, county jail, pillory, whipping posts and stocks in every county." These were actually built, and adorned the village squares of the county seats for some years, and a number of offenders were tied up to the whipping posts and lashed on their bare backs with a raw-hide whip until the blood flowed freely, and others were placed in the stocks and pillory. In Highland County before the whipping post was erected, or the jail built, a tree to which the offender was tied was used as a whipping post, and a dry well, the top covered with rails, the ends secured by logs, to prevent escape, was used as a jail.

Notwithstanding that the Ordinance of 1787 provided that, "there shall be neither slavery nor involuntary servitude in said Territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted," there was an attempt to establish a slavery for debt, which resembled very much the peonage system of Mexico. On August 15, 1795, the Governor and Judges adopted a law providing for the selling of debtors to personal and reasonable servitude under certain conditions. When the plaintiff in a case for debt required it, the judgment of the court could decree the debtor to servitude to his creditor for a period not exceeding seven years if such debtor was unmarried and under the age of forty years. On May 1, 1798, a law was adopted providing that if one was

convicted of maiming or disfiguring and could not pay his fine and costs "the offender should be sold to service by the court before which he is convicted for any time not exceeding five years, the purchaser finding him food and raiment during the term."

These laws were never in force as they were not approved by Congress, which was required by the Ordinance before they became effective. They were adopted from the legislation of Pennsylvania and Kentucky and were repulsive to the people of the new Territory.

Frequently the pioneers took the law into their own hands and dealt out to persistent and flagrant violators their own rough justice. They often tarred and feathered an offender and then rode him on a rail. At Cincinnati, ducking in the Ohio River was resorted to. These and other methods more severe were used to rid a community of chronic criminals.

The judges and justices of that early day were, as a class, men of ability, integrity and sterling common sense. In doing justice the latter quality had often to supplement the written law which had not yet become adjusted to the new order of things, and the effective way in which the law was adjusted and formulated under the guidance of these men is a worthy tribute to their capabilities.

The duties of these pioneer judges were arduous and ill rewarded. They shared their discomfort with the lawyers in traveling by the primitive methods from one county seat to another, and often had to accept any manner of entertainment that came to hand. Law books were few and precedents rare. Oratory

was marked by directness and force, and was largely relied upon to wield the juries. Rough and incisive wit and bald logic readily penetrated to the truth and exposed fallacy. Results were reached much more rapidly, and, doubtless, with as much justice as they are today.

This training must have been fruitful of talent, for the bench and bar of that early period furnished a very considerable percentage of the most eminent men in Ohio's history.

The passing of the cabin has brought new scenes, new struggles and new joys. The comforts, complications and responsibilities of life have increased. The strife for fortune has refined but narrowed the career of men. The gulf that has broadened between him who has attained, and him who has not, has drowned that generous hospitality and the joy of the pioneer. This age has grown nothing to take their place; nothing that so generally warms the heart of one man for another.

Chapter II.

THE BEGINNING OF REPRESENTATIVE GOVERNMENT IN THE NORTHWEST TERRITORY

THE inauguration of representative government in the Northwest Territory was complete when the First General Assembly met for its first session at Cincinnati on September 16, 1799.

Prior to this date, the government of the Territory had been in the hands of Governor Arthur St. Clair and three Judges; these four had for ten years exercised executive, legislative and judicial powers under the "Ordinance of 1787," the organic law of the Territory. The Governor was commander-in-chief of the military forces; he appointed magistrates and other civil officers, and was the Chief Executive in the enforcement of law. The Governor and the Judges, or a majority of them, made the laws both civil and criminal. The Judges formed a court that had common law jurisdiction, and constituted the judicial power of the Territory.

Under this form of government there was a decade of satisfactory administration of law. It was a period of trials, successes, disasters and progress. The people generally were pleased, and they acquiesced in the conditions, although it gave them no voice in their government or in the making of their laws. There was friction, at times, between Governor St. Clair and the Judges over the exercises of their respective powers, each claiming rights and authority that the other denied. But beyond this, it can be said, that the primary stage of the territorial government was well adapted to the times and conditions. Arbitrary exercise of power was necessary in the wilderness, and stringent laws, even if drastically enforced, were essential in a sparsely settled country, and for a mixed population.

This order was now about to change. Under the provision of the Ordinance, when the Territory contained the population of "five thousand free male inhabitants of full age," and this fact was made known to the Governor, he was authorized to take the preliminary steps towards the transition into the secondary or representative form of government. Accordingly on the 29th day of October, 1798, Governor St. Clair issued his proclamation to the qualified voters, directing an election to be held for Territorial Representatives on the third Monday of December, 1798. No one not a freeholder of fifty acres was allowed to vote at this election; and only freeholders of two hundred acres were eligible to the office of Representative.

In this way the most substantial and thrifty were vested with the privileges of government. It was a fair assumption that the man who lacked the energy and ambition to own fifty acres at a time when land was plenty and cheap and could be had almost for the clearing, was not oppressed by refusing him the ballot.

The Ordinance also provided for a Council of five members, corresponding to a Senate, to be appointed by Congress out of a list of ten names submitted by the Territorial House of Representatives. This power was exercised by President Adams as the Congress of the Confederation went out of existence on the adoption of the Federal Constitution.

The election was held as provided by the Governor's proclamation and the following persons were chosen, from their respective counties, to form the popular branch of the Territorial Legislature for the ensuing

two years; Washington County, Return Jonathan Meigs and Paul Fearing; Hamilton County, William Goforth, William McMillan, John Smith, John Ludlow, Robert Benham, Aaron Caldwell and Isaac Martin; St. Clair County, Shadrack Bond; Knox County, John Small; Randolph County, John Edgar; Wayne County, Solomon Sibley, Jacob Visgar and Charles F. Chabert de Joncaire; Adams County, Joseph Darlinton and Nathaniel Massie; Jefferson County, James Pritchard; Ross County, Thomas Worthington, Elias Langham, Samuel Findlay and Edward Tiffin.

This legislative body represented a constituency scattered over a territory that was a veritable empire in area—more than 265,000 square miles—greater than Austria-Hungary, or Germany, or France, and more than twice the area of Great Britain and Ireland, or Italy. It took time for news to be carried and election results to be determined, consequently the Representatives did not assemble in Cincinnati until February 4, 1799. The proclamation of the Governor called the meeting for January 22d, but the delegates from far Kaskaskia on the Mississippi, from Vincennes on the Wabash and from the distant peninsula of Michigan found that travelling by horseback from two to four hundred miles through a vast wilderness, was anything but conducive to a prompt assembling. The season of the year, as well as the distance, made this meeting of the pioneer legislators an unusual hardship and privation. It is of record that the Representatives from Marietta, after leaving Belpre found only the monotony of the woods until they reached the Scioto Salt Works, near the present town of Jackson; from

there to Chillicothe there was no human habitation, and after leaving that place they passed no settlement on their way to Cincinnati until they crossed the Little Miami River. On this winter journey through a wilderness those travelers carried provisions and blankets, camped at night, swam their horses across streams and penetrated the forest, guided only by blazed trees or compass. The only roads were bridle paths or Indian trails. It was under these conditions and by this type of men that were laid solid and deep the foundations of popular government for the people of Ohio.

When the Representatives met they performed their first duty, and adjourned to meet on the 16th of September following. This duty was the nomination of ten persons from which the President was to select five to constitute the Legislative Council of the Territory. These names were reported to the Governor, who in turn transmitted them to the Secretary of State, and from these President Adams, with the advice and consent of the Senate, appointed for a term of five years, Jacob Burnet and James Findlay of Cincinnati, Hamilton County; Henry Vanderburgh of Vincennes, Knox County; Robert Oliver of Marietta, Washington County, and David Vance of Vanceville, Jefferson County. These men were each possessed of a freehold of five hundred acres of land, as they were required to be by the Ordinance in order to be eligible to the Council.

Thus constituted, the First General Assembly of the Northwest Territory assembled for organization at Cincinnati on September 16, 1799. But on this day

there was not a quorum present, and it was not until the 24th of September that the two houses were organized and ready for business. Edward Tiffin, of Chillicothe, was unanimously elected Speaker of the House of Representatives, and Henry Vanderburgh, of Vincennes, was chosen as President of the Council.

Cincinnati, the seat of government of the Territory, was then a straggling and unprepossessing village. With the river at its feet, it was surrounded by the dense and impenetrable forests of the Miami country. The population was about seven hundred and fifty inhabitants. Its growth was slow; in five years after this time—in 1805—its population had increased only to nine hundred and sixty, with fifty-three log cabins, one hundred and nine frame, six brick and four stone houses. Fort Washington was still occupied by troops, and was the most important building of the settlement. It was a substantial wooden fortress built of hewn timber, a perfect square, two stories high, with four blockhouses at the angles. The fact that for more than ten years Cincinnati had been the capital of the Territory, made it the metropolis and grand depot of the Western country. Here was gathered the official life of the Territorial government, both civil and military, and here was the clearing house for all the stores which came down the Ohio River for the forts established on the frontier. At this time two newspapers, representing the political opinions of the period were published here—the *Freeman's Journal*, by Edward Freeman, and the *Western Spy and Hamilton Gazette*, by James Carpenter. The absence of partisanship or party rancor was favorable to the work of the Legis-

lature, for it can truthfully be said that the atmosphere of Cincinnati was at that time remarkably free from politics. The followers of Jefferson, and Hamilton were present, it is true, but party lines were not tightly drawn. When John Adams was a candidate for President against Thomas Jefferson, the latter had but four advocates in Cincinnati and vicinity. This peaceful condition gradually passed away, and before long, especially when the question of statehood came up, this political tranquillity became a memory.

The moral and social condition of Cincinnati, when the new Assembly settled in its midst, was about what we might expect in a garrison town. The armies of St. Clair and Wayne had left a military flotsam and jetsam that was not helpful to any community, and the influence of Fort Washington was not elevating to the morals of the little village. The officers under General Wayne, and subsequently under General Wilkinson, were all hard drinkers. This condition changed for the better when Captain (afterwards General) William Henry Harrison assumed command. Idleness, drinking and gambling prevailed in the army after the Indian campaigns, and the average soldier was wedded more to the bottle, dicebox and cards than to his arms, drills or discipline. Judge Jacob Burnet, who lived in Cincinnati at this time and was a member of the First General Assembly, has left his observations and impressions of the men and events of this period in his "Notes on the Early Settlement of the Northwestern Territory." It was written fifty years after the times in which he was an active factor, and is a source of valuable and reliable facts. He notes herein

the effect of the military on the people, and states that the vicious and loose habits of the army were contracted also by the citizens. Judge Burnet further observes that "the settlements of the Territory, including Cincinnati, contained but few individuals, and still fewer families, who had been accustomed to mingle in the circles of polished society." Notwithstanding this, the majority of the settlers at Cincinnati and in the Territory were honest, intelligent and God-fearing. And while many of them may not have been of the class that moved in "polished society," they constituted a pioneer body of sturdy and sterling character.

The highest tribute to, and the best test of, that pioneer citizenship is to be found in the character of the men selected by them for the General Assembly. Referring only to the counties that afterward became a part of the State of Ohio, it can be said that no legislative body that afterwards assembled therein contained stronger or more eminent men. From Washington County came Return Jonathan Meigs, who after his service in this legislature was in turn Chief Justice of the Supreme Court of Ohio, Judge of the United States District Court, United States Senator, Governor of Ohio, and Postmaster-General in Presidents Madison's and Monroe's cabinets. His colleague Paul Fearing, was a man of high character, and acknowledged ability; he was the first to be admitted to practice law in the territory, and served with honor as a delegate in the Seventh Congress from December 7, 1801, to March 3, 1803.

The delegation from Hamilton County were all strong men, and some of them of accomplishments of

a high order. Concededly, Jacob Burnet was the leader. He was one of the great men of Ohio in his generation. A native of New Jersey, a graduate of Princeton College, a distinguished lawyer, he impressed upon the Territory and the State by his public service and example, marks of learning and genius. Subsequently as State Legislator, United States Senator and Judge of the Supreme Court, he acquired political and professional distinction. In the quieter walks of life he found pleasure and honor in literary pursuits, and was a member of the prominent literary and astronomical societies of Southern Ohio as well as a member of the French Academy. William McMillan was a graduate of William and Mary College, Virginia, and in 1800 succeeded William Henry Harrison as a delegate from the Territory in the Sixth Congress. Of him a distinguished Cincinnati lawyer—William M. Corry—has written: "During his professional career there was no higher name at the Western bar than William McMillan. Its accomplished ranks would have done honor to older countries; but it did not contain his superior." John Smith, who afterwards became one of the first United States Senators from Ohio, was a man of vigorous mind and of pleasing and popular manners. Before his entrance into public life, he was the first permanent pastor of the first Baptist Church in the Northwest Territory. He was a member of the Constitutional Convention of 1802. His unfortunate experience in the Burr Conspiracy, so called, ended his public life. Judge Burnet regarded him as a man of great native talent and mental energy, and placed him among the influential and able leaders of the day.

JUDGE JACOB BURNET

Born, Newark, N. J., February 22, 1770; graduated at Princeton in 1791; emigrated to Cincinnati in 1796; member of Territorial Council, 1799-1802; of the Ohio House of Representatives, 1812; Judge of the Supreme Court, 1821-1828; United States Senator from Ohio from December 1, 1828 to March 3, 1831; Member of the French Academy and author of "Notes on the Early Settlement of the Northwestern Territory"; died in Cincinnati, April 27, 1853.

James Findlay, Judge Burnet's colleague in the Council, was from Pennsylvania; after his service in this body he had a long and distinguished career. He won honor in the War of 1812, as Colonel of the Second Ohio Volunteer Infantry. Afterwards he was a member of the Nineteenth, Twentieth, Twenty-first and Twenty-second Congresses. In 1834 he was the Jackson Democratic candidate for Governor, but was defeated by Robert Lucas. The remainder of the Hamilton County Representatives, if not quite so able as these mentioned, were men of prominence and worth in their day. William Goforth was one of the Associate Judges of the county; John Ludlow had served as its sheriff; Robert Benham was an officer of the Revolutionary War, a man of great firmness of character and a useful member of the Assembly. He was one of the first settlers on the Symmes purchase. He served in the army under General Harmar in 1790, was in the bloody defeat of General St. Clair on the 4th of November, 1791, and shared in General Wayne's glorious victory on the 20th of August, 1794. Aaron Caldwell and Isaac Martin were respected citizens, and well qualified for the service of the State.

Ross County sent Edward Tiffin, Thomas Worthington, Elias Langham and Samuel Findlay, a representation which was not excelled in talent and progressiveness by that of any other in the Territory. They were all Virginians by birth except Edward Tiffin, who was born in England. Two of the Ross County delegation—Tiffin and Worthington—afterwards became Governors of the State; they exercised an influence and control in the affairs of the Territory and of Ohio

unequalled by any others of their time. Their appearance upon the scene at this time is interesting, in that it was the beginning of careers that were powerful in shaping the destiny of the Northwest Territory. General Findlay and Major Langham won their titles in the Revolution, and settled in Ross County with the Virginia migration.

Adams County was also represented by native born Virginians—Joseph Darlinton and Nathaniel Massie. The former served in the Second Territorial Legislature, and in the first Constitutional Convention, and was for many years afterward a leading citizen of Southern Ohio. Massie was the pioneer surveyor of the Territory, and founded the towns of Manchester and Chillicothe. He was active in politics all his life, and was a man of great native ability.

David Vance in the Council, and James Pritchard in the House, were leading citizens of Jefferson County. The former was Associate Justice of the Common Pleas Court, and the latter in after years, when Ohio became a State, served as Senator and Representative from that county.

In the new government Governor St. Clair succeeded to increased power. In the first stage he was simply one of a legislative body of four members. He had no veto power, and the majority of the Governor and Judges acting as a legislative body, made the laws, and the veto power rested in Congress alone. But now the Governor became invested with almost autocratic power. The Ordinance provided that "the General Assembly, or legislature, shall consist of the governor, legislative council, and a House of Representatives."

And also the further provisions: "And the governor, legislative council, and House of Representatives shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the House, and by a majority in the Council, shall be referred to the governor for his assent; but no bill or legislative act whatever shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the General Assembly, when, in his opinion, it shall be expedient."

The first clash of authority between the Governor and the General Assembly was over the question of establishing new counties and fixing county seats. It began in the first stage of the Territorial government in 1798, when Nathaniel Massie, who, having laid out the town of Manchester, in Adams County, desired it to be the county seat, and in this he was supported by the judges and justices of the county. Governor St. Clair claimed that he possessed the sole authority to create new counties and locate county seats. He rested his authority upon the Ordinance.

This controversy was pending when the General Assembly convened. The Governor's claim was that under specific authority of the Ordinance he had the right to lay out parts of the district, in which the Indian title was extinguished, into counties and townships, subject to such alterations as may thereafter be made by the legislature. The General Assembly claimed that after the Governor had laid out these counties and townships, as was already done in the

first period of government, it (the General Assembly) had power to pass laws altering, dividing and increasing them, subject, of course, to the Governor's approval. The Governor replied that the right to create counties and locate seats of justice was his exclusively, and none of the business of the General Assembly. Notwithstanding this, bills were passed designating Manchester the county seat of Adams County, and altering the boundaries of other counties, and erecting new ones out of the old. The Governor not only withheld assent, but would not consider them for the reason, as he claimed, that the General Assembly had exceeded its powers and would not even return the bills to the House wherein they originated.

Unimportant as it may appear, this controversy was the beginning of a conflict that eventually ended in the downfall of St. Clair, and the admission of Ohio to the Union. Nathaniel Massie, with the Virginia contingent at his back, led the opposition to the Governor. In protest of the Governor's claim, the General Assembly adopted a remonstrance to Congress against the unqualified veto over the acts of that body, and also against his claim of exclusive right to divide and sub-divide counties. The arbitrary position of Governor St. Clair, and the contest growing out of it, was the beginning of the conflict between Autocracy and Democracy. Its results rapidly followed. As to the merits of the question itself, it is worthy of note that Congress afterwards sustained the position of the General Assembly, and that, too, without any effort on its part to attain that decision.

This conclusion of Congress came about afterwards very innocently. It appears that it was the duty of the Governor to report his official proceedings from time to time to Congress. In his report he communicated a statement of the new counties laid out and erected by him prior to the organization of the General Assembly. When the Senate considered the report, it was objected to on the ground that the Governor had exhausted the power given him by the Ordinance, to lay out the Territory into counties, and that the entire power, on that subject, was vested exclusively in the Territorial Legislature. The Senate concurred in that opinion, and disaffirmed the proceedings of the Governor.

Turning aside, for the time, from the disputes of the day to the substantial work of the First General Assembly, we see much to learn and admire in the work and wisdom of these early legislators. Its laws passed with reference to the welfare of the property and life of the pioneers demonstrate that this body had a comprehensive and intelligent conception of the wants of the times.

Judge Burnet was the ruling spirit in the work of preparing and maturing a great part of the legislation. In proof of this a reference to the Journal of the Legislative Council shows that of the thirty-nine bills that were enacted into laws at the cession of 1799, he prepared and reported fourteen. These were wide in their scope and important in their application. They covered such subjects as, the admission and practice of attorneys at law; arbitration; the prevention of trespassing by cutting timber; the appointment of

constables; forbidding liquor in Indian towns; establishing and regulating the militia; the punishment of arson; and other laws fully as important. The impress of the careful and painstaking lawyer is on them all. They are preserved, as are all the laws of this session, in "The Statutes of Ohio and of the Northwestern Territory," compiled by Salmon P. Chase in 1833, and form the basis of all subsequent legislation on these subjects.

The system of taxation devised was both practical and equitable, the tax for Territorial purposes was levied upon lands; the tax for local or county purposes was levied upon persons, personal property, and houses and lots. The "Act levying a territorial tax on land," was approved December 19, 1799, and it was to remain in force to the close of the next session of the General Assembly. The lands were assessed in three classes. The first class at eighty-five cents, the second at sixty cents and the third class at twenty-five cents per one hundred acres. The following rule was to be observed in rating any tract of land: "When a greater part of a tract shall be superior in point of quality to second rate land, it shall be denominated first rate, when a greater part of a tract shall be inferior to first rate and superior to third rate in point of quality, it shall be denominated second rate, and when the greater part of a tract of land shall be inferior to second rate, it shall be denominated third rate land, taking into view the surface of the earth as well as the quality of the soil."

Local taxation was provided in "An Act to regulate county levies," approved December 19, 1799. It was

GOVERNOR SAMUEL HUNTINGTON

From a painting in the Capitol at Columbus.

Born at Coventry, Connecticut, October 4, 1765; removed to Cleveland in 1801; member of first Constitutional Convention, 1802; elected Senator in the first General Assembly of Ohio, 1803; while occupying this office he was elected to the Supreme Court; resigned to become Governor in 1809; died at Painesville, Ohio, June 18, 1817.

GOVERNOR SAMUEL HUNTINGTON

Pass a plaintig In the Capitol at Columbus.

a well constructed piece of legislation in twenty-five sections containing the details of valuation, levy and collection. The first section declared what was taxable, houses in towns, inlots and outlots, and mansion houses in the country, rated at two hundred dollars and upwards, water and wind mills, ferries, stud horses and other horses, mares, mules and asses above three years, all neat cattle above three years, and bond servants above the age of twenty-one. The commissioners or listers of land were to make lists. Horses, mares, mules and asses paid fifty cents; neat cattle, twelve and one-half cents; bond servants, one dollar, and bachelors not having two hundred dollars in property, two dollars to fifty cents. Land appraisers were appointed who were to assess the lands. Retailers of merchandise were to pay ten dollars. Ferries were to pay not exceeding ten dollars.

The attempt to fasten slavery on the Territory was made at this session, notwithstanding that it was positively prohibited by the Ordinance. This came in the nature of a petition from several of the late Virginia line in the War of the Revolution praying for toleration to bring their slaves into the Territory, on the military lands between the Little Miami and the Scioto rivers. Mr. Goforth of Cincinnati, in the House reported that the prayer of the petitioners was incompatible with the Ordinance, and to this report the House unanimously agreed. Subsequently Thomas Posey on behalf of himself and several officers of the Virginia line asked the same thing; this was not even considered. On this subject it should be said that these petitioners were not residents of the Territory;

they were still residents of Virginia, holders of land warrants which entitled them to location in the Virginia Military reservation between the Little Miami and the Scioto rivers. There never was any sentiment for slavery in that part of the Territory which now constitutes Ohio.

The Virginians and Kentuckians who migrated to the new land were attracted as much by the slavery prohibition as by the rich prospects. The men who composed this Legislature were not only opposed to the admission of slavery on moral grounds, but they believed that it would be detrimental to the progress and prosperity of the Territory. They thought that it would lower free labor; that it would create a life unfriendly to simplicity and industry, and establish a condition from which many of them sought to escape in the selection of their new home. Some of them—Edward Tiffin and Thomas Worthington being notable examples—manumitted their slaves before removing to the Northwest Territory. David Meade Massie in his "Life of Nathaniel Massie," writing on this subject, says, "In examining Nathaniel Massie's correspondence, containing several hundred letters written by Virginians and Kentuckians concerning their lands in the Northwest Territory, only two were found objecting to the provisions of the Ordinance of 1787 on the subject of slavery, and these were both written by one man."

In the western portion of the Territory there was a decided slavery sentiment, and this was manifested in repeated attempts to perpetuate it by petitioning Congress to modify the sixth article—the anti-slavery

article—of the Ordinance. This article, which was the most glorious provision of the Ordinance, declared that "there shall be neither slavery nor involuntary servitude in said territory, otherwise than in punishment of crime whereof the party shall have been duly convicted." At the time of the passage of the Ordinance, and for many years before, slaves were held in what, upon a division of the Territory, became known as Indiana Territory; being all that country east of the Mississippi River to the western boundary line of Ohio. The old French inhabitants at Port Vincennes, in what is now Indiana, and at and about Kaskaskia and Cahokia in what is now Illinois, received the prohibition of slavery as an infringement of their rights and a menace to their property. When they settled here they had been permitted to hold slaves by the King of France, and this permission was continued under the Government of Great Britain. Hence, as stated, the Ordinance found slavery existing at the places named. And, as a matter of fact, slavery was not interfered with under the Territorial government, although, as we shall see, persistent efforts were made to legalize it. Bartholomew Tardiveau from Danville, June 30, 1789, (St. Clair Papers, II, 117,) wrote Governor St. Clair particularly setting forth the views of the "ancient inhabitants" on the anti-slavery article, and on the impending ruin to them by its operation. He claimed that it was an *ex post facto* law, inasmuch as slavery existed in the Illinois country at the time of the passage of the Ordinance; that its operation "would deprive a considerable

number of citizens of their property acquired and enjoyed long before they were under the dominion of the United States."

Although Governor St. Clair did not do as requested in this letter, that is, apply to Congress for the modification of the article, he agreed with Tardiveau in the interpretation claimed. The Governor gave his opinion that the article prohibiting slavery was not retroactive; that it was intended to prevent future importation of slaves into the Northwest Territory, and not to set free those in slavery at the time of its passage, because such slavery was authorized and recognized by French and English laws when the United States took possession and assumed jurisdiction. There was absolutely no foundation nor justification for this construction, and St. Clair himself receded from it in later years. The construction was never admitted by any other authority of the government. St. Clair's biographer, William Henry Smith, defends the Governor's position, but it is only at the expense of a distortion of the English language used in the Ordinance.

The next movement agitating this question took the form of a petition to Congress (American State Papers. Public Lands, I, 61.) signed by John Edgar, William Morrison, William St. Clair, and John Dumoulin, "for and on behalf of the inhabitants of St. Clair and Randolph counties," and it is dated at Kaskaskia, January 12, 1796. It is as follows: "To the Senate and House of Representatives in Congress assembled, the humble petition of the inhabitants of the counties of St. Clair and Randolph, in the Illinois country, respectfully showeth:

"That the sixth article of compact contained in the ordinance of Congress of 1787, for the government of the territory northwest of the Ohio, which declares 'That there shall be neither slavery nor involuntary servitude in the said Territory otherwise than in punishment of crimes,' is, as your petitioners humbly conceive, not only contrary to the promise and assurances made them, on behalf of the State of Virginia, by the then Colonel, afterwards Brigadier-General George Rogers Clark, on his taking possession of this country in the name of the said State, whose troops he then commanded, but also contrary to an express fundimental principle in all free countries, 'That no *ex post facto* laws should ever be made.'

"Your petitioners then were, and now are, possessed of a number of slaves, which the article above recited seems to deprive them of (perhaps inadvertently), without their consent or concurrence. It may be said, as it is the better opinion, that all such as were slaves at the date of that ordinance are to continue so during their lives; but then it is also said that the issue of such slaves, born after that period, are absolutely free. Your petitioners, however, humbly contend that such after-born issue are as much slaves as those born before, because the owners of their parents have, and, as your petitioners humbly conceive, always had as fixed and incontrovertible a right to, and interest in, the future issue and increase of such slaves as they have to the slaves themselves. That, notwithstanding the articles in the said ordinance are said to be 'Articles of compact between the original States and the people and States of the said Territory,' it is, however, a

truth that they were made *ex parte* by the original states only; for sure your petitioners are that, if the people then in the Territory had been called upon to make such compact, they never would have consented to enter into one that would deprive them of their most valuable property.

"Your petitioners humbly hope they will not be thought presumptuous in venturing to disapprove of the article concerning slavery *in toto*, as contrary not only to the interest, but almost to the existence of the country they inhabit, where laborers cannot be procured to assist in cultivating the grounds under one dollar per day, exclusive of washing, lodging and boarding; and where every kind of tradesmen are paid from a dollar and a half to two dollars per day; neither is there, at these exorbitant prices, a sufficiency of hands to be got for the exigencies of the inhabitants, who, attached to their native soil have rather chose to encounter these and many other difficulties than, by avoiding them, remove to the Spanish dominions, where slavery is permitted, and consequently, the price of labor is much lower.

"Your petitioners do not wish to increase the number of slaves already in the dominions of the United States; all they hope for or desire is, that they may be permitted to introduce from any of the United States such persons, and such only, as by the laws of such States are slaves therein. This request, your petitioners humbly hope, will not be objected to as unreasonable, even by the greatest opposers of slavery, seeing they do not pray for the introduction of any foreign slaves into the Territory."

GOVERNOR RETURN J. MEIGS, JR.

From a painting by John Henry Witt in the Capitol at Columbus.

Born at Middletown, Connecticut, in 1765; came to Ohio, with his father Return J. Meigs in 1788; was Judge of the Supreme Court, 1803-04; in 1807, appointed Judge of the United States District Court of Michigan Territory; elected to the United States Senate and served from January 6, 1809, to May 1, 1810, when he resigned to accept the Governorship of Ohio; this he resigned to be Post Master-General in President Monroe's Cabinet; he died at Marietta, March 29, 1825.

After an argument from a legal standpoint justifying the claims set forth, the document concludes:

"Your petitioners, therefore, humbly pray that the sixth article of compact in the ordinance of 1787 may either be repealed or altered, so as to give permission to introduce slaves into the said Territory from any of the original States, or otherwise; that a law may be made permitting the introduction of such slaves as servants for life, and that it may be enacted for what period the children of such servants shall serve the masters of their parents."

This petition, in a report communicated to the House of Representatives, May 12, 1796, was summarily refused, and even the power of the petitioners to represent the inhabitants of St. Clair and Randolph counties directly questioned.

A second petition, also from these same counties, now in the Territory of Indiana, was presented to Congress January 23, 1801, but modified so that it asked that their slaves should be held as such during their lives only, and that their issue born in the Territory were to be declared free—the males at thirty-one and the females at twenty-eight years of age. When this petition was presented, it was laid on the table, and no further action taken.

It will take us out of the boundaries of Ohio to follow to the end this movement to perpetuate slavery in the Northwest Territory; but it is well to do it, even for no other reason than to demonstrate where the slavery sentiment existed in the Territory. It was not in the Ohio country, but in the Indiana and Illinois regions, the former was in opposition, the latter in advocacy of the suspension of the famous Sixth Article.

The persistent efforts to preserve slavery was resumed at a convention held at Vincennes, December 20, 1802, which was presided over by William Henry Harrison, Governor of the Territory of Indiana. This convention was in session seven days when they agreed on a memorial to Congress asking the suspension of the Sixth Article for ten years. When the memorial, with a letter from Governor Harrison, was presented to the House of Representatives, it was referred to a special committee of which the eccentric John Randolph of Roanoke was chairman. This memorial was kicked like a football from one congress to another for three years. Mr. Randolph, on March 2, 1803 reported adversely, and in his report this Virginian slaveholder, answering the petitioners' claim of the necessity for slaves in the Territory, said: "That the rapid population of the State of Ohio sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region. That this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States; that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration."

In December, 1803, the memorial was referred to another special committee, headed by Cæsar Rodney, of Delaware—afterwards Attorney General of the United States—and on the 17th of February, 1804, he made a report favoring the suspension of the anti-slavery clause of the Ordinance. The report gave no reason for its conclusion, but as a wholsesale proposition recommended that the prayer of the memorialists be granted. The recommendation of the report is as follows:—"That taking into their consideration the facts stated in the said memorial and petition, they are induced to believe that a qualified suspension, for a limited time, of the Sixth article of compact between the original States and the people and the States west of the River Ohio, might be productive of benefit and advantage to the said Territory."

On December 18, 1805, for the third time the memorial was referred to a select committee of which James Garnet of Virginia was chairman, and this committee, following the example of its predecessor, recommended on the 14th of February, 1806, the allowance of slavery in the Indiana Territory for a period of ten years. It was referred to the Committee of the Whole House.

These reports were all ignored by the House of Representatives; disappointed, the petitioners presented their memorial to the Senate, and its consideration was referred to a special committee composed of Senators Franklin of North Carolina, Kitchell of New Jersey and Tiffin of Ohio. They reported adversely, November 13, 1807, and thus ended the struggle before Congress to perpetuate slavery in the Territory Northwest of the Ohio River. And here it may be observed

that Edward Tiffin, who, as Speaker of the House of Representatives of the First General Assembly, aided in administering the initial rebuke to slavery extension in the Territory, also assisted, as United States Senator from Ohio, in giving it its death stroke.

No single event of this period and of this Territorial Assembly had so far-reaching and beneficial effect on the future welfare of the new West as the selection of William Henry Harrison as the first delegate to Congress from the Territory. On the joint ballot of the two Houses, October 3, 1799, Mr. Harrison received twelve votes, and Arthur St. Clair, Jr., son of the Governor, ten votes. His competitor was a Federalist while Harrison was a Republican.

The new delegate was born at Berkeley, Virginia, February 9, 1773, and was educated at Hampden-Sidney College in that State. He was the youngest son of Benjamin Harrison, Governor of Virginia, who was a member of the Continental Congress, and one of the signers of the Declaration of Independence. Destined for medicine, he abandoned his studies for that profession, and entered the army as an ensign in the First Infantry in 1791, then not nineteen years of age. He repaired to the Northwest Territory, and joined his regiment then stationed at Fort Washington shortly after the defeat of the gallant but ill-starred St. Clair. He acted as aide to General Wayne in the whole of the following campaigns, and his bravery and gallant conduct were such that he was repeatedly mentioned by his commander in terms of the highest praise. After the Greenville Treaty he was placed in command of Fort Washington—the most important

post on the western frontier. On June 1, 1798, he resigned his commission, and was immediately appointed by President John Adams, Secretary of the Northwest Territory under Governor St. Clair, to succeed Winthrop Sargent. On his election as delegate, he resigned the Secretaryship, to take his seat in the Sixth Congress, which commenced December 2, 1799.

Mr. Harrison was the leader of a firm public sentiment which objected to the prevailing methods of disposing of the government lands; claiming that they were in the interest of the wealthy classes. The laws of Congress at this time were very unfavorable to the rapid settlement of the Territory. At first they provided only for the sale in tracts of two million acres each, then of one million acres. Under the first, the Ohio Company purchased the lands on the Muskingum, and under the second John Cleves Symmes and associates purchased between the Miamis. Afterwards the law was changed providing for the sale in tracts of not less than four thousand acres. This was likewise obnoxious to the people. It placed them beyond the pale of dealing with the Government, which they were, by their privations and heroism making greater year by year. It was an arrangement presenting the most aristocratic features, and was calculated to build up a wealthy land monopoly in a new and fertile country. At a period when money was scarce and when commercial facilities had not been extended to the region west of the mountains, few individuals could purchase a single tract of four thousand acres. The very men who had the best claim to the land, and who were most entitled to the protection and favor of the Government,

the pioneer who won the country by toil and peril, the farmer who was clearing the soil, the bone and muscle of this new citizenship, were doomed under this system to buy at second hand their land from speculative companies and real estate monopolists. This was a frightful condition for a new and virgin country.

The injustice and bad policy of this system struck Mr. Harrison very forcibly. His observation as a pioneer satisfied him that it was adverse to the interests of both the Government and the settlers. Soon after he had taken his seat, he offered a resolution for the appointment of a committee with instructions to inquire into and report on the existing mode of selling public lands. He was himself appointed chairman of the committee. After investigation, he presented a report, accompanied by a bill, the principle object of which was to reduce the size of the tracts of public land offered for sale, to such a smaller number of acres as would place them within the reach of actual settlers.

This forceful report was the joint production of Mr. Harrison and the distinguished Albert Gallatin, who was afterwards Secretary of the Treasury in the cabinets of Jefferson and Monroe. The bill triumphantly passed the House, and also the Senate after some amendments. The result was that the public lands, instead of being offered in large tracts only, of which four thousand acres was the smallest size, were now to be sold in alternate sections and half-sections—the former to contain six hundred and forty, and the latter three hundred and twenty acres each. The terms of payment were made easy to the purchasers—one-fourth cash, and the balance in one, two, three and four years.

Land offices were opened at Cincinnati, Chillicothe, Marietta and Steubenville, and at certain periods there were to be public sales for three weeks, and private sales at all other times. Prior to this legislation, the only places land could be bought were at the Treasury Office in Philadelphia, or at the public sales at Pittsburgh or Cincinnati. The expense and inconvenience of this arrangement to the settlers was one of their severest hardships.

The result of this legislation soon became apparent in the Territory. Thousands of hardy and industrious farmers of the Eastern states, and many of the poorer planters of the South availed themselves of the fair field now open for enterprise and emigration. This act of William Henry Harrison, if he had not performed other deeds of valor and heroism, would have stamped him as the leading statesman of the early West; for to this, more than to any other cause, save the conquest of the Indian tribes, was due the rapid settlement and prosperity of the Northwest Territory.

An attempt to introduce the lottery into the Territory forms one of the most interesting and remarkable incidents of early legislation. This institution was in great favor during the eighteenth, and the first part of the nineteenth centuries. Until it had reached the phase of an immoral and speculative craze, it had the support of an honest public sentiment. It was a favorite method of raising money for public purposes such as building courthouses, canals and public roads. The Continental Congress tried it in 1777. It prevailed very extensively in Connecticut, New Hampshire, New Jersey and Massachusetts.

It was natural that this eastern scheme should appear in the new country, and that there should be a public sentiment to sustain it. Judge Burnet introduced a bill which passed the Council authorizing a lottery, but it was rejected by the House of Representatives. The Journal of the House also shows that there was a petition presented to that body by several of the citizens of Chillicothe praying "for leave to make a lottery to raise three thousand dollars for the purpose of erecting a Presbyterian church in that town." Both of these attempts failed; as far as the Territorial government was concerned, the lottery was interdicted in the initial movement. Illustrative of the opinion, in the days of early statehood, on this subject, a continuation of its history is instructive. The legislation of the new state was decidedly favorable to this popular form of gambling. In 1807 (Chase's Statutes I, 559,) an act was passed prohibiting any private lottery without a special act of the Legislature. From thence on, it was not uncommon for the General Assembly to authorize lotteries by special acts. These were for various purposes; for instance: to raise moneys for improving Cuyahoga and Muskingum Rivers; to secure the banks of the Scioto at Chillicothe; for a bridge over the Muskingum, and to authorize the drawing of a lottery for the benefit of the Ohio University at Athens. This last act was never carried out by the authorities of the University, and it became a dead letter.

Sometimes lotteries were permitted for the relief of private citizens, as in the case of Elisha Barrett (Ohio Laws XXVI, 52,) of Fairfield, who was authorized to raise three thousand dollars in this manner to be

FACSIMILE OF OHIO STATE LOTTERY TICKET

Authorized by the laws of Ohio under its first constitution.

BY AUTHORITY OF THE STATE OF OHIO.

Ohio State Lottery.

FIRST CLASS,

No. 5753

UNDER the superintendence of *Jacob Claypool*, *John Creed*, and *Samuel F. Maccracken*, Commissioners, appointed by the Court of Common Pleas of Fairfield County.

THIS ticket will entitle its holder to such prize as may be drawn to its number, if demanded within twelve months after the drawing: Subject to a deduction of fifteen per cent. Payable thirty days after the drawing is finished.

Jacob Claypool
John Creed
S. F. Maccracken
Commissioners.

SCHEME!

1	PRIZE OF	$8,000	8,000
1	do. "	2,001	2,001
2	do. "	1,000	2,000
4	do. "	500	2,000
30	do. "	50	1,500
40	do. "	20	800
100	do. "	10	1,000
250	do. "	6	1,500
4401	do. "	3	13,203
4829	PRIZES.		$32,004
9395	BLANKS.		

☞Not two blanks to a prize!

ORDERS from any part of the United States, enclosing the cash, and post paid, will receive prompt attention, if addressed to either of the Commissioners, in Lancaster, or to such agents as they have or may appoint.

LANCASTER, June 1828

applied in rebuilding his woolen mill lately destroyed by fire. The lottery was to be conducted at Lancaster by three commissioners appointed by the court of common pleas, and a bond for honest administration in the sum of forty thousand dollars was to be executed to the Treasurer of State. The lottery system came under the ban of public sentiment finally, and in 1830 (Chase's Statutes III, 1656) lotteries were prohibited by law. This prohibition was inserted in the Constitution of 1851 which forever prohibited lotteries and the sale of lottery tickets in this state. Thus the sentiment and moral standard which was positive enough in the First General Assembly to forbid this character of legislation, was not reached in statehood until after an experience of a third of a century.

The closing days of the Legislature were at hand. The experiment of representative government had been made, and it was satisfactory alike to the people and public officers. Notwithstanding all its faults and shortcomings, the members of the General Assembly were willing to leave the merit and approval of their work to their constituents. On the day before adjournment, December 18, 1799, they issued an address to the citizens of the Northwest Territory. They declared that they were not "insensible of the honor conferred on us in selecting us to the honorable though arduous task of framing laws to protect and secure the personal rights and the property of so numerous and respectable a class of men settled over an extensive tract of country. How far we have succeeded in the execution of our duty to effect so desirable and important an object, can only be known when those laws shall come into

operation; but if good intentions can entitle us to your approbation, we shall receive it from a brave and generous people with pleasing sensations." Adverting to the possibility of the future greatness of the Territory, they argue for a good citizenship: "Let the present generation set the example by discountenancing idleness and dissipation, and, on the other hand, by encouraging industry, frugality, temperance, and every moral virtue, and in a few years the desert will disappear before the hand of industry, the fields will be covered with flocks, and the face of nature will blossom as the rose." The closing words were: "Let it be remembered that the foundation of public prosperity and happiness must be laid in private families. Every well-ordered family is a little amiable community; and a great community made up of such families must be prosperous and happy at home, and respectable abroad."

At the same time a formal address was prepared and forwarded to John Adams, President of the United States. It was adopted by a unanimous vote of the Council, but in the House Shadrack Bond, William Goforth, Elias Langham, John Ludlow and Return Jonathan Meigs, Jr., voted against it. They were opposed to the expressions of adulation and eulogy showered upon the President. In this negative vote can be seen the first introduction of national politics into Territorial affairs. It was the mustard seed that in a few years grew into a great tree. It was the beginning of the Democratic-Republican party—the party of Thomas Jefferson—that was soon to cast John Adams and Federalism out of power, and at the same time retire Arthur St. Clair to private life.

On the 19th of December the Governor appeared before a joint session of the two bodies, and made his speech proroguing the Legislature. Standing before them clad in the dress of Revolutionary days, with hair dressed and powdered after the style of that period, the old hero was indeed worthy of respect and admiration. The address was firm, clear and dignified. Personally the Governor had maintained the most cordial relations with the Legislature, and as he stated, it would have given him pleasure to agree with every thing that was done. But the Ordinance gave him a negative on their acts, and it became his obligation to follow the tie of duty and conscience, and the dictates of his own mind. He then proceeded to give reasons for his dissent as to eleven of the acts of the General Assembly. Of these, six related to the erection of new counties. Several reasons were given for this action, but the controlling one was that the power necessary in erecting them was vested in himself and not in the Legislature. Then wishing them a safe and happy return to their respective counties, he declared: "This meeting of the Legislature is put an end to for the present, and prorogued to the first Monday of November next which will be in the year one thousand eight hundred."

From this time forward there was open and bitter opposition to Governor St. Clair. It came from the followers of Thomas Jefferson led by a group of able and aggressive men in public life who came from Virginia. They saw in the continuation of the Territorial government a limitation of popular rights, and they regarded St. Clair as the representative of the aristo-

cratic Federalism of Alexander Hamilton. The right to vote, the right to hold office depended not upon manhood, but upon acres; the right of representative government was nullified by the autocratic powers of the Governor. These things would continue, they argued, just as long as the Territory existed, and aristocrats like St. Clair were sent to govern them. So they spread the seeds of Democracy and popular rights among the people, and when the Legislature adjourned, they proceeded to inaugurate the movement which eventually resulted in statehood.

Chapter III.

THE STRUGGLE FOR STATEHOOD

AFTER the adjournment of the first session of the Legislature there was a well defined feeling throughout the Territory that Governor St. Clair's arbitrary methods should be curbed. Under the Ordinance there was no way to do this. The only way out apparent to the anti-Federalists was statehood. At first this proposition was murmured, then whispered, and at last openly and aggressively advocated.

Governor St. Clair was opposed to the creation of a new State. He did not hesitate to express himself positively on the prematureness of the movement. He had but little faith in the ruling power and justice of the people, and he said so.

He discloses these honestly entertained views in a letter (St. Clair Papers II, 480) which he wrote in December, 1799, to United States Senator James Ross of Pennsylvania, a friend and a Federalist. He thinks "a multitude of indigent and ignorant people are but ill qualified to form a constitution and government for themselves." But that is not his chief objection. They are too far removed from the seat of government to be impressed with the power of the United States; their connection with the Federal Government is too slender—many of them have left nothing but creditors behind them in the States whom they would willingly forget. As to political principles, he says they have none, and their government would be democratic in form and oligarchic in execution, more troublesome and more opposed to the measures of the United States (meaning Federal principles) than even Kentucky. Then: "All this, I think, may be prevented by the

division of the Territory." Therefore, his plan to delay and defeat statehood was to divide the Territory, so that the divisions would not have the 60,000 inhabitants required by the Ordinance.

Not every division would suit St. Clair; he wanted one, as he says in the Ross letter, that "would keep them in the colonial state for a good many years to come." He wrote Timothy Pickering, the Secretary of State, suggesting the division of the Territory into two parts, making a line due north from the mouth of Eagle Creek in what is now Brown County, Ohio, the boundary and division line. In this way he would have two sure Federalist territories. The Secretary of State showed the letter of Governor St. Clair to William Henry Harrison, the delegate in Congress of the Northwest Territory. Harrison was in favor of a division of the Territory too, but not on the lines of St. Clair; he was also in favor of statehood.

Therefore, when the Governor wrote Harrison from Cincinnati, February 17, 1800, inclosing a petition for division from the people of Vincennes and urging a plan of his own, the delegate became aware that the scheme revealed to him three months before was about to be sprung. The prayer of the Vincennes petitioners was to place them and the people of the Illinois country in a separate territory. In this letter the governor does not agree with the division suggested in the petition, but outlines a plan of his own, the mere mention of which discloses an object at once shrewd and far-reaching. This was the plan: "The manner that strikes me as the most eligible is that the Scioto, and a line drawn north from the forks of it, should form

GOVERNOR OTHNIEL LOOKER

From a painting in the Capitol at Columbus.

Born in New York, October 4, 1757; served as a private soldier in the Revolutionary War; served in the House of Representatives and Senate of Ohio; was Speaker of the Senate, when Governor Meigs resigned thus becoming Governor for eight months in 1814; date of death unknown.

the western boundary of the eastern district; a line drawn north from that part of the Indian boundary line opposite to the mouth of the Kentucky, the western boundary of the middle district; and the western division to comprehend all the country between that and the Mississippi. The natural advantages would, in this manner, remain to every part. Marietta would most probably be the seat of the government for this district, and sufficiently convenient to every part of it; Cincinnati would continue to be, with equal convenience, the seat of the middle district, and St. Vincennes for the western; not, indeed, equally convenient, but more so than any other place that could be chosen. There are many other advantages which would flow from this measure which I will not trouble you with. I will only observe that almost any division into two parts which could be made would ruin Cincinnati."

A division on the lines suggested by the Governor would have resulted in two conditions at least. It would have destroyed the importance of Chillicothe, the seat of Republicanism, as a political and social center, and it would have delayed statehood. Delegate Harrison was in favor of neither of these results because he was a Republican, a statehood man, and because he was playing politics himself. Therefore, he wholly disregarded St. Clair's suggestions and the prayer of the Vincennes petitioners.

By an act of Congress of May 7, 1800, the passage of which was the direct fruit of Mr. Harrison's labor and influence, the Territory Northwest of the Ohio River was divided into two separate governments, by a line drawn from the mouth of the Kentucky River

to Fort Recovery, and thence north until it intersected the territorial line between the United States and Canada. The territory lying west of this line was erected into, and designated Indiana Territory; the eastern portion retained its existing government and name. Vincennes was designated as the seat of government of Indiana Territory, and Chillicothe that of the Northwest Territory until otherwise ordered by their respective legislatures.

This legislation had two sequels: it widened the breach between the advocates and opponents of statehood, and it was the cause of William Henry Harrison resigning his seat in Congress and receiving the appointment of governor of Indiana Territory.

We can profitably pause in this narrative to take a bird's-eye view of the principal actors and their surroundings in this, the heroic period of Ohio history. The contest over forming a new state for the Union is always interesting, but it never developed such a conflict of sentiment as did this between St. Clair and the Virginians. From an historical standpoint it is the most picturesque episode of the pioneer period, and reads like a romance.

The conversion of a wilderness into a garden; the invasion of the Virginians; the overthrow of the great Arthur St. Clair; the struggle for statehood; the victory of the people over the political aristocracy; the framing of the Constitution for a people without their consent, are all events that form a background for a picture that has no parallel in American history. And all these scenes were enacted in a theatre of intellect; the only weapons were tongues and pens, but

they were directed by men who for brains and bravery are worthy of every tribute of admiration and respect that the people of Ohio can bestow upon them.

In 1796 there came into the Scioto Valley a young Virginian named Nathaniel Massie. He had served in the Revolutionary War, from his native State at the age of seventeen, and at nineteen started to Kentucky to pursue his vocation of surveying the public lands and placing land warrants for soldiers of the Revolution. He founded Manchester in Adams County, and in 1796 penetrated the Scioto Valley, which was then a beautiful but savagely wild territory. Here he located and laid out Chillicothe. It is easy to understand how he was attracted to this glorious land, which then, as now, bore all the evidence of the richness of nature. It was here that he selected the site that was to be the starting point of a powerful, wealthy and patriotic State.

The territory of the Scioto Valley had for centuries been the selected living place of divers races of men. In the very dawn of human knowledge it was populated by the mysterious race of Mound-builders, and was the seat of their cities, camping places, fortifications and altars. Attracted, doubtless, by the magnificent soil, beautiful scenery and natural resources, both of the animal and vegetable kingdom, they filled this valley in great numbers until driven away or destroyed by a succeeding race. After them came the Shawanese famed for their bravery and numbers, and occupied for perhaps centuries the land along the Scioto River in their populous towns. They, too, lived in this elysium of natural bliss, receiving from bounteous nature all

that forest and chase could give. The very beauty and richness of the land made them guard it with such jealous spirit, that when Massie first entered it, it was a great and expansive territory of danger and death to the white man.

Chillicothe, in the Virginia Military District, at once attracted immigration from Virginia. It was in a part of the great domain reserved by that State for the use and settlement of her loyal sons that served in the War for Independence. The influx of settlers commenced as soon as the town was laid out, and even before the winter of 1796 it had stores and taverns and shops for mechanics. The influence of civilized life soon began to unfold, and within a few years a substantial town was in full operation, with a population of one thousand.

In the spring of 1798 there came to Chillicothe from Berkeley County, Virginia, one whose life and actions influenced the history of Ohio in a greater degree than that of any other man. This was Edward Tiffin. He bore with him this remarkable letter addressed to Governor St. Clair:

January 4th, 1798.

SIR:—Mr. Edward Tiffin solicits an appointment in the territory Northwest of the Ohio.

The fairness of his character in private and public life, together with a knowledge of law, resulting from close application for a considerable time, will, I hope, justify the liberty I now take in recommending him to your attention. Regarding with due attention the delicacy as well as the importance of the character in which I act, I am sure you will do me the justice to

believe that nothing but the knowledge of the gentleman's merits, founded upon a long acquaintance, could have induced me to trouble you on this occasion.

With sincere wishes for your happiness and welfare, I am, etc., etc.

Geo. Washington.

With this introduction from the Father of his Country, he entered a new land and cast his lot among a new people.

Tiffin played such an important part in subsequent events, including the first constitutional convention, that a view of his remarkable career will help us to understand his power and the wonderful work he accomplished. He appeared upon the scene of action in the Northwest Territory in its creative period, when the work of moulding the destinies of a future commonwealth was committed to the care of a very few men. Head and shoulders above them all stood Edward Tiffin. Of a modest bearing and reticent mood, he was more of a thinker than a talker. He wrote much, but unfortunately little is preserved. His brother-in-law, Thomas Worthington, who came to Chillicothe at the same time, was his active and aggressive representative in all his political conflicts. Worthington, as subsequent events will show, stands out as one of the boldest characters of his time.

Tiffin in his official life displayed a greater general average of statesmanship than any of his contemporaries. He met successfully all the opportunities and responsibilities of his life, which is the best indication of ability. His work in creating, advancing and developing Ohio has not been equaled by any man in

its history. His boyhood was spent in the city of Carlisle, England, where he was born June 19, 1766. He emigrated to this country when eighteen, and after an excellent medical education obtained in the University of Pennsylvania, settled in Berkeley County, Virginia. There amid the scenes and lives of the early Virginians he spent several years as a quiet and successful physician. When he came to Chillicothe he was still a physician, practicing with marked success financially and professionally. In the sparsely settled Scioto Valley his labors carried him over many miles of travel, and he formed the friendships that explain much of his popularity in after years. He had decided views on politics; the principles of Jefferson were adopted by him early in his Virginia life, and his anti-Federal proclivities soon became well-known in his new home.

When the legislative form of government was inaugurated Dr. Tiffin was sent as a representative from Chillicothe, and upon the assembling of the first Territorial Legislature at Cincinnati he was unanimously elected Speaker of the House of Representatives which position he held until Ohio became a State.

He was a man of strong religious and moral convictions. In his early life he was an Episcopalian; in 1790 he associated himself with the Methodist Church and was consecrated by Francis Asbury, the missionary bishop, as a local preacher. Thus he brought into the new territory beyond the Ohio, with his professional skill, the still greater influence of the spiritual physician. In both capacities he firmly held the confidence of his fellow citizens throughout his life. Upon his entry

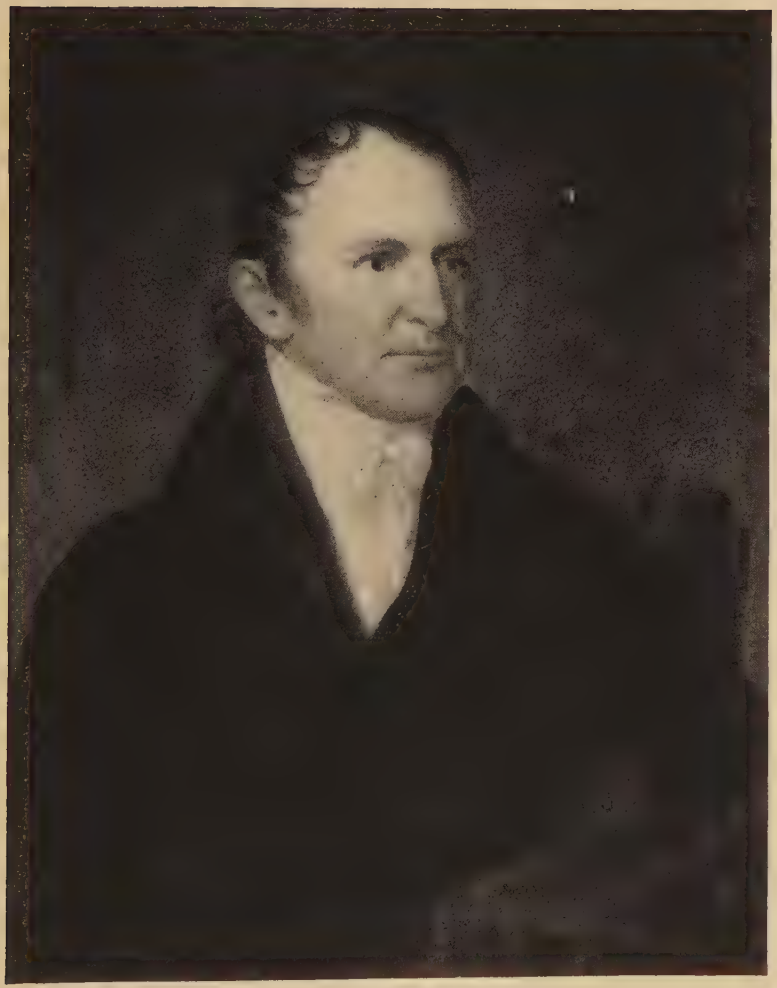
GOVERNOR THOMAS WORTHINGTON

From a painting by Charles W. Peale in the Capitol at Columbus.

Born in Jefferson County, Virginia, February 10, 1767; served as a member of the Territorial Legislature and of the first Constitutional Convention; was elected United States Senator in 1803, and again in 1810; served as Governor from 1815 to 1818; founded the Ohio State Library; served as Representative from Ross County in 1821-1823; afterwards was Canal Commissioner; died in New York City, June 20, 1827.

GOVERNOR THOMAS WORTHINGTON.

From a painting by Charles W. Peale in the Capitol at Columbus.



into the church he manumitted his slaves, and his subsequent record shows how sincere were his convictions on this subject.

As president of the first Constitutional Convention he won still greater honors and established his reputation as a man of unquestioned ability; indeed, so pronounced and universal was this that he was elected governor of the new State in January, 1803, without opposition. He was reëlected in 1805 without opposition, and in 1807 declined a third term which public sentiment was ready to confer upon him. During his second term he summarily arrested the participants in the Aaron Burr expedition, which resulted in the flight of Burr and the breaking up of the conspiracy. His vigorous and prompt measures on this occasion called forth a public letter of thanks from President Jefferson.

In 1807 he was elected United States Senator from Ohio. While in the Senate he was the means of securing much valuable legislation for the new state. Appropriations for the Ohio River, and for surveying the public lands were obtained by him, and much of the same kind of practical work which characterized him as Governor marked his Senatorial term. He resigned in March, 1809, owing to the death of his wife. It so affected him that he determined to retire from public life. Returning to his once happy home in Chillicothe, it was his intention to spend his remaining days in peace, but notwithstanding his desires, his fellow-citizens elected him to the Legislature where he was unanimously elected Speaker of the House.

He was afterwards appointed Commissioner of the Land Office, being the first to hold that office, and he systematized the claims and surveys of the public lands. He was in Washington in 1814 when it was burned by the British. President Madison, his Cabinet and the heads of the departments fled like cowards in the panic, and nearly all the public records of the American Republic were destroyed except the records of the Land Commissioner's office. Edward Tiffin stayed and saved the complete records of his department. So completely, compactly and systematically were they maintained, and so cool and level-headed was their custodian, that they were removed to a place of concealment in Loudon County, Virginia, ten miles out of Washington. All the other departments lost most of their records; Edward Tiffin saved all of his.

He closed his life as surveyor general of the West, which position he held during the administrations of Madison, Monroe, John Quincy Adams and into Jackson's. He died in Chillicothe among the people who loved and honored him for more than a third of a century, after a remarkable life of usefulness and distinction.

This was the Edward Tiffin that confronted Arthur St. Clair in the contest for statehood. And Tiffin had a foeman worthy of his steel. Arthur St. Clair, the first and only governor of the Northwest Territory, was one of the most brilliant and distinguished military characters of the Revolutionary War. A contemporary writer calls him "the great St. Clair," and while in the gubernatorial chair of the Northwest, Judge Burnet marked him as "unquestionably a

man of superior talents, of extensive information, and of great uprightness of purpose, as well as suavity of manners." Courtly, scholarly and honest, he was a fitting representative of the government in a new land. St. Clair, as his name indicates, was of French origin, although his ancestors had for centuries lived in Scotland, where he was born in 1734. He received his education at Edinburgh University, and was indentured as a student of medicine. He disliked this, and purchasing his time, he entered the English army in 1757. He was in the French and Indian War, and served under General Wolfe at Quebec, where his conduct was gallant and effective. He resigned from the English army in 1762 and settled down to civil life in Pennsylvania, where he filled many positions of trust, honor and importance.

When the colonies rebelled against Great Britain, St. Clair threw his entire fortune and enthusiasm on the side of his country. In 1775 he was summoned to Philadelphia by a letter from President Hancock. His record from thence is a part of the history of the Republic. He was the assistant and confidant of Washington; he was a member of his military family and shared the hardships of Valley Forge, together with the victories of many hard fought battles.

St. Clair, after the Revolution, retired to civil life. His fortune was gone in the whirligig of war. He started into the Revolution a rich man; when peace was declared the riches had flown. In 1786 he was in Congress from Pennsylvania, and as a hero of two wars and a distinguished patriot, he was elected its president in 1787. This Congress formulated and passed the

Ordinance of 1787 under which St. Clair was nominated to the governorship of the Northwest Territory, which occurred October 5th. Governor St. Clair accepted his new honor with misgivings. He says in his letters that it was forced upon him by his friends, who expected that there was more pecuniary compensation attached to it than events proved. It was supposed that the opportunities for land speculation would be so great that St. Clair would make money out of his advantages of position. But he was not so inclined, nor did he expect such a result. He was satisfied with and frankly stated, that he had the "ambition of becoming the father of a country, and laying the foundation for the happiness of millions then unborn."

His unfortunate career as governor showed that he thwarted in every way his expressed ambitions. When Edward Tiffin entered upon the scene of action in the Northwest Territory, Arthur St. Clair was an old man, worn with the campaigns of war and the conflicts of politics. There was little save its dignity to show that the classic face was that of the handsome Ensign St. Clair, who used to wield the accomplishments of the drawing room among the Bowdoins and Bayards of Boston thirty years before.

We have already seen that the entrance of the followers of Thomas Jefferson into the Northwest was the commencement of a political war against Governor St. Clair that for persistency and bitterness, was fully equal to the famous controversy of Alexander Hamilton and Aaron Burr. Edward Tiffin had as his chief associates and lieutenants Thomas Worthington, Nathaniel Massie, Jeremiah Morrow and Return J. Meigs, Jr.,

all men of the very highest character and inspired by noble ambitions. They believed in the people; they were not only opposed to the Federalist principles of St. Clair, but they resented the arbitrary and offensive methods of his administration. The Scotch governor knew of but two ways to control or govern men; they were to pull them or drive them. The Virginians would stand for neither method. So their opposition to St. Clair went not only to his principles, but to his methods. The events attending the first session of the Legislature developed a chain of grievances and furnished food for the bitterest contests. His exercise of the veto power invited the strongest opposition. He was an advocate of strong government. He did not believe in conferring on the citizen the fullest powers and responsibilities of American citizenship. He favored property qualification for electors. He got into a controversy with the Legislature over his own powers and prerogatives. He claimed and exercised the power of locating county seats and erecting new counties. This the Legislature denied, and attempted to enact laws on this subject which he promptly vetoed. In his contest with the Virginians he was supported by other able Federalists in the persons of Judge Jacob Burnet, Ephraim Cutler and General Rufus Putnam.

The second session of the First General Assembly, by virtue of the Federal law, met at Chillicothe on November 3, 1800. From the start the irrepressible question of the governor's power to erect counties projected itself into the legislative proceedings. The Council and the House of Representatives in a joint address to Governor St. Clair reiterated their position

on this question. The General Assembly stated its case as follows: "It appears to the two Houses that this right naturally devolves on the General Assembly, for it is a general legislative act within every State in the Union. Coming from the different parts of the district, it is reasonable to suppose that the members of the two Houses have a better knowledge of the part of the country they represent that any other person besides. The Ordinance is silent on the mode to be adopted in fixing the place for the seat of justice within the different counties, which, of course, must become a legislative act, and a county laid out by any other power than the legislature could direct where the courts of justice should be held. When we reflect on the consequences which may ensue from such a difference of opinion, we are induced to ask your Excellency again to examine the subject, for should it be made a judicial question, which we conceive it is subject to, and be determined by the Supreme Court of the Territory that it is a legislative act, all the proceedings had in said county would, of course, be void, and the two Houses are fully of the opinion that when a county has been already laid out, that any county to be erected within said county, or part of two counties to be erected into one, there must be an alteration of the boundaries of said counties, and, of course, requires a legislative act." To this the Governor in a long address argued for his right, claiming that he acted in the interests of the people, and that he favored local government by counties as soon as the people were able to provide means for their support. While insisting that the act of creating a county was one within the power of the

executive solely, he was not adverse to the people determining for themselves whether or not the county should be erected.

He expressed this view clearly and forcefully, and he met the friends of the people with a plan that embodied Democracy itself. This was his proposition: "But, to evince to you that it is my sincere desire to harmonize with you, if a bill shall pass your Houses enacting that, whenever five hundred or more free male inhabitants of twenty-one years of age, residing together in any part of the Territory, shall desire to be separated from the county in which they reside, and that the district which they actually inhabit may be erected into a new county by certain limits and lines of boundary, the Governor shall erect such district into a county, it shall receive my assent; provided, that means are therein pointed out whereby the Governor may be truly informed that there are actually not less than five hundred free males of twenty-one years of age, residing in the proposed limits, and, provided, that it shall be made to appear that the proposed separation will not reduce the number of inhabitants of that description in the original county below five hundred."

The Governor then proceeded to give his reasons for the plan proposed. He said, "It is a fixed opinion with me, gentlemen, that, the moment a county is erected, that moment, be the number of inhabitants what they may, they acquire a right to be represented in the legislature; and I am much persuaded that you will find the opinion correct. But the Ordinance for the government of the Territory has declared that for every five hundred free males of twenty-one years

there shall be one representative, consequently a less number cannot be represented in the legislature, and, consequently, I cannot consent to any division of counties which would confer the right of being represented upon a smaller number than that ordained by Congress. By the expedient above proposed, a principle upon which counties could be divided and new ones erected, conformably to the Ordinance, and with little trouble, would be fixed; and it would also be conformable to that other well-established principle, that representation and taxation ought to go hand in hand. You will, I trust, gentlemen, be sensible that my resistance in this instance proceeds from a sense of duty, because a compliance with your wishes would evidently relieve me from a great weight of responsibility, at the same time that my influence would probably be increased, if, as we so often hear, an increased patronage would have that effect; for the creation of a great many new counties must necessarily be followed by a great many new offices, all in the gift of the Governor."

As might be expected, this reasoning fell upon unwilling minds, and the controversy on this subject ended so far as executive and legislative expressions were concerned, and the subject as being one of official controversy was dropped.

Governor St. Clair's term of office was about to expire, and his opponents were active at Washington seeking to prevent his reappointment.

In the spring of 1800 Thomas Worthington went to Philadelphia, which was then the seat of Government, and remained such until June of that year. He worked

assiduously to accomplish two things: the division of the Territory on the Harrison plan, and to secure the removal of St. Clair. He succeeded in the first, but failed in the second. In this connection there is an interesting and pathetic fact illustrating the condition of the Federal party in the Territory. When Worthington went to Philadelphia to work for statehood and the removal of St. Clair, the Federalists wanted to send Judge Tod of Trumbull County and William McMillan of Hamilton County to counteract the movements and influence of the militant Virginian. Judge Tod estimated the expense at about three hundred dollars, but the Federalist party was too poor to raise that amount.

Governor St. Clair's first move against his opponents was to prorogue the Legislature. Accordingly he notified the General Assembly by message on December 2d, "that on Thursday the 9th of the month, an end must be put to the session of the Legislature; as on that day his term of office would expire; and it was not a case provided for by law, in which the place of the Governor, could be supplied by the Secretary." This was a surprise and a blow to the Governor's enemies. They had fully expected that on the expiration of his term December 9th, under the provisions of the Ordinance there would be a vacancy in the office to which the Secretary of the Territory, Charles Willing Byrd, would succeed. Byrd was an avowed enemy of the Governor and worked heartily in sympathy with his opponents. He had the additional qualifications of being a Virginian and a brother-in-law of General Nathaniel Massie. He was, therefore, just

the man to succeed the Governor. In this event they would ultimately secure control of the Territorial government by adjourning the Legislature and refusing to recognize the legal right of Byrd to act as Governor, to which he would not object. But St. Clair had a clear knowledge of his powers under the Ordinance, and by his courage and sagacity, thwarted this scheme.

The adjournment of the Legislature transferred the discussion of statehood to the people and the press. Meetings were held expressing sentiments for and against the question. Edward Tiffin at the head of a committee issued the following temperate address from Chillicothe: "Fellow-citizens:—The Ordinance for the government of the Territory of the United States north-west of the River Ohio declares 'that whenever there shall be sixty thousand inhabitants residing within the above described boundaries, they shall be entitled to a State government, and be admitted by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a permanent constitution and State government; provided the constitution and government so to be formed shall be Republican.'

"By an act of Congress, passed at their last session, the census of this Territory is directed to be taken, under the direction of the secretary; and believing that there will be the number required by said Ordinance or nearly the number—we have taken this opportunity of recommending to your consideration the propriety of going into a State government at as early

a period as our number will admit of. In recommending this subject to your consideration, we are well aware of the importance of the sentiments of our fellow-citizens on a subject so materially interesting to them, and we therefore recommend it to them to instruct their representatives, at their next meeting of the General Assembly, to govern themselves accordingly.

"You will, fellow-citizens, while reflecting upon the important subject, consider the additional expenses that must necessarily accrue in the exercise of a State Government, which you will perceive must unavoidably arise. You will likewise consider the superior advantages which you will derive therefrom. A candid comparison will, we presume, be the criterion by which you will govern yourselves in your deliberations.

"We are, fellow-citizens, with sentiments of respect, etc.,

Edward Tiffin and Others, Committee."

On January 4, 1801, the citizens of Marietta met at their courthouse and appointed a committee of five to prepare an address to the people of the Territory, urging them to oppose going into a state government. The sentiment of this community was Federal, but even Republicans like Return Jonathan Meigs and his son opposed statehood at this time. In a letter by the former to Thomas Worthington, he writes, "With respect to going into a State government, we all agree in opinion that it is improper. If the Governor's negative can be qualified, which will undoubtedly take place, our present system of government cannot be oppressive in any respect."

While this conflict was being waged with great bitterness in the Territory, a similar contest against the reappointment of St. Clair was going on before Congress at Washington. He was nominated December 22, 1800 by President Adams as Governor of the Northwest Territory for a further period of three years. With the nomination the President forwarded a number of petitions from friends and enemies. All of these were referred to a committee of the Senate. This committee reported that the charges against Governor St. Clair, though various and of a serious nature, were not supported by those who filed them, and while not relieving him entirely from censure, they recommended his confirmation, which was accordingly voted February 3, 1801.

United States Senator Stevens Thomson Mason writing to Thomas Worthington from Washington, February 5, 1801, tries to explain away the confirmation and at the same time offer some consolation for a grievous disappointment. Senator Mason was one of the powerful Virginians that Tiffin, Worthington and Massie could always depend upon when the Western branch of the Virginia dynasty needed help. Among other things he writes: "I thought, myself, that there was sufficient to show that he was very obnoxious to a great part of the people, and that he ought not to have been reappointed. Some members who did not approve of the appointment were induced to vote for it from an apprehension that, should he be rejected, some person more obnoxious might be appointed, such as Tracy, and it would only be exchanging an old and feeble tyrant for one more active and wicked. Your

FIRST STATE HOUSE, CHILLICOTHE

From the "American Pioneer," June, 1842.

FIRST STATE HOUSE, CHILLICOTHE
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representative, too, I believe, took great pains among the members out of doors." In closing he makes this significant suggestion: "Should your next House of Representatives be of the character you expect, I should suppose they might petition the new President for the removal of the Governor with effect, and could send forward proofs and documents to support the charges against him." The "new President" was Thomas Jefferson, who was inaugurated a month afterwards, March 4, 1801; as subsequent events show, the suggestion did not fall upon barren ground.

The Second General Assembly of the Territory convened at Chillicothe, November 23, 1801. Edward Tiffin was elected Speaker of the House of Representatives, and Robert Oliver, President of the Council. This body met in the new State House, the construction of which was commenced in 1800. It was the first public edifice built of stone in the Territory. In it the first Constitutional Convention afterwards assembled, as well as the first State legislature, and it continued to be the capitol of Ohio until 1810.

A contemporary resident of Chillicothe gives this interesting description of the building: "The house occupied the room on the ground floor, a very uncomfortable, badly lighted and roughly finished room, with a fireplace at each end and a wide, open stairway out of one corner leading up to the second floor. All the wood which could be piled on the fires failed to heat the large room in winter. The senate occupied a room on the second floor. This was a low room with a platform for the Speaker's seat at one side, and long,

roughly made tables on the floor with plain Windsor chairs ranged behind for the reverend Senators."

It was during this Assembly that the contest between Governor St. Clair and the advocates of statehood reached its turbulent and sensational climax. It was the Governor's purpose to accomplish one of two things, and by so doing thwart the designs of Tiffin, Worthington, Massie and their followers. This was either to prevent statehood for an indefinite period, or if it was inevitable, to form a state that would be Federalist when admitted to the Union. The first bill of the session looked to this purpose. It was a direct challenge to President Jefferson and his supporters. It was a foolish move on the part of the Governor; and demonstrated that he exercised no judgment or discretion in his actions. The President and Congress were Republican, and it seemed a step towards self-destruction to present a measure distinctly in the interests of the Federal party, to those controlling powers.

The object of this bill was to so change the boundaries that the eastern state, when formed, should be bounded on the west by the Scioto River, and a line drawn from the intersection of that river with the Indian boundary to the western extremity of the Connecticut Reserve; the middle state, by a line running from the intersection of the Ohio with the western boundary of George Roger Clark's grant to the head of the Chicago River, and by that river and Lake Michigan, to the territorial line; and the western state by the Mississippi River.

In the Council it passed unanimously; in the House the friends of statehood opposed it bitterly but in

vain. After its passage Tiffin, Worthington and Langham of Ross County, Darlinton and Massie of Adams County, and Dunlavy and Morrow of Hamilton County joined in a formal protest against it. The intense passion generated in the Assembly was shared by the people of Chillicothe. A public meeting was held at this place and a committee was appointed to draft and forward to Congress a petition requesting it to refuse its assent to the proposed division of the Territory. Runners were sent throughout the Territory to secure signatures to this petition, and agents were despatched to procure aid in the different counties.

This piece of legislation, entitled, "An act declaring the assent of the Territory Northwest of the River Ohio to an alteration in the ordinance for the government thereof," was approved by the Governor, December 21, 1801: in connection with its passage threats had been openly made by Federal members of the Assembly to punish the Chillicothe junto by removing the Territorial capital to Cincinnati. This served but to increase the fury of the Chillicotheans, and for two evenings, just before Christmas, the little town was the scene of riotous proceedings directed against the Governor and his friends in the Assembly. The mob was led by one Michael Baldwin, a brilliant young lawyer from Connecticut who joined the Virginia colony at Chillicothe and soon stood high in their esteem and politics by reason of force and intellectual attainments. He was at the head of the bar of this part of the Territory. His dissipation alone denied him fame in his adopted state.

Baldwin with his mob broke into Governor St. Clair's boarding house with deadly and riotous purpose. Thomas Worthington, friend and political associate of Baldwin as he was, loyally defended the Governor, and seizing Baldwin threatened him with death if he laid a hand on the venerable St. Clair. Jonathan Schieffelin, a representative from Wayne County (now a part of northern Ohio and Indiana, and the state of Michigan), confronted the mob with a brace of loaded pistols and drove them into the street. The protestations of the Governor, and the firm position of Worthington quieted the tumult. Infuriated at the conduct of the mob Governor St. Clair sent a special message to the General Assembly and forwarded to the Secretary of State at Washington a complete account of the disgraceful affair.

The very object which the lawless gathering protested against and sought to prevent was precipitated by its action, for on the first day of the New Year, of 1802, the Governor approved "An Act to remove the seat of government and fix the same at Cincinnati, in the county of Hamilton."

Just before this happened Thomas Worthington, and the man whom he had threatened with death a few days before, Michael Baldwin, started for Washington to oppose the passage of any change in the boundaries, as proposed by St. Clair and passed by the General Assembly.

The original instructions restricted Worthington and Baldwin to defeating the act of the Assembly. But the leaders of the State party inspired them with bolder and more far-reaching purposes. These were, to

secure the removal of St. Clair, and to procure the passage of an enabling act of Congress looking to the establishment of a state government within the boundaries of the eastern division of the act of 1800. Paul Fearing, of Marietta, the delegate in Congress from the Northwest Territory, and a pronounced Federalist, did his utmost to secure the approval of the act changing the boundaries. The House of Representatives, however, by a vote of eighty-one to five, rejected the act of the Territorial legislature. Singularly enough, Dr. Manasseh Cutler, who was a Federalist Congressman from Massachusetts, was one of the five that voted to make the Scioto River the western boundary of Ohio.

With the boundary question settled, the Republicans proceeded to give their attention to St. Clair. While Worthington and Baldwin were industriously working at Washington, Tiffin, Massie and their associates, were advancing the cause of statehood at home. They were laying the foundations of a movement, that, in their minds, would remove the last and greatest obstacle to the creation of the State of Ohio.

Edward Tiffin took the lead in the political assault on the Governor; this assumed the form of charges of maladministration in the execution of his office. To him more than to any of his associates, whether it was right or wrong, must be charged and credited the ultimate removal of St. Clair and the success of the struggle for statehood. William Henry Smith, the just and reliable biographer of the Governor, says: "In the long struggle, Dr. Tiffin seems to have been the most

determined and active advocate of State organization, and was the spur to the energies of Massie, Worthington, Creighton and others."

The letters of Tiffin to Worthington at Washington during February 1802, show the former's intense activity against St. Clair. On the first day of this month he wrote: "I have used every exertion to get Colonel Massie to draw up and forward his charges. We have appointed three different times to meet on that business, and I have always attended but could never get him there. He has now left town, and when I shall see him again, I know not." We are not able to discern the reason for Massie's delay, or apparent dereliction in speedily assaulting the Governor, for of all men in the Territory, he had more personal reasons for opposition. Under date of February 8th, however, Tiffin advised that progress was being made: "We have this day been busy in drawing up charges to forward to the Secretary of State against Governor St. Clair. Colonel Massie, Mr. Creighton and myself meet again at my house on Wednesday. We will send them on by the next mail thereafter, most certainly." And in his final letter of February 20th, he wrote: "I expect ere this you have received the charges against the Governor; I had much trouble to get Colonel Massie to finish them."

The political offenses charged against Governor Arthur St. Clair, instigated by Edward Tiffin, drawn by Nathaniel Massie and preferred by Thomas Worthington, all Republican leaders, in form were these:

"1. He has usurped legislative powers, by the erection of courts and location of the seats of justice by proclamation, on his own sole authority.

2. He has misused the power of negativing legislative acts by putting his negative on laws useful and necessary for the Territory.

3. He has refused to perform the duties of his office but on the payment of arbitrary fees not established by any lawful authority.

4. He has negatived acts of the Legislature abolishing those fees, and passed their act giving him $500, meant as a compensation for that abolition, thereby holding both the fees and compensation.

5. He has attempted to effect the dismemberment of the Territory, and to destroy its constitutional boundaries, in order to prevent its advancement to those rights of self-government to which its numbers would entitle it.

6. He has granted commissions generally during pleasure; but that of Attorney-General to his own son during good behavior.

7. He has endeavored arbitrarily to influence and control the proceedings of the judiciary, and has revoked or effected a surrender of the commissions of those who have refused to bend to his will.

8. He has appointed persons residing out of a county to offices the duties of which were to be habitually performed within them.

9. He has (neglected and thereby) obstructed the organization and disciplining of a militia for the defense of the Territory by withholding the appointment of officers eighteen months after a law had passed establishing them.

10. He has avowed his hostility to the form and substance of Republican government (and contempt of militia regulations)."

Massie in his draft of the charges had another item of misconduct against St. Clair, but Worthington eliminated it from the document which he presented to the President. The eleventh charge was as follows: "11. He is in the habit of indulging himself in arbitrary and rude conduct toward those who have to transact business with him, or under him."

While these charges were being discussed and framed at Chillicothe, the Governor being fully advised, wrote to President Jefferson from Cincinnati defending his personal conduct and his administration. This letter dated February 13, 1802, is a mixture of challenge and fight, indignation and pathos, and it shows that the old warrior might die, but he would never surrender. Neither is it to be doubted that the President, remembering the patriotic record of the Governor in the service of his country, received his letter with more than passing consideration.

The Governor's letter to the President was as follows:

"Sir:—It is most probable that the violent exertions made last winter, when my term of office expired, by some persons from this Territory, in order to prevent a renewal of it, did not escape your notice, but it may not have come to your knowledge that, to accomplish that object, the basest means, the vilest falsehoods, and the foulest calumnies were resorted to; nor that, at the very moment, they were, every one of them, guilty of the blackest ingratitude. By letter, sir, received from Washington by the last mail, I am informed that the same persons, or some of them, are now endeavoring by like means to ruin me with you, and scruple not to opine that my removal is decided

on. I hope and trust that the case is not so. If they have, sir, found their way to you, I entreat you not to give implicit credit to their suggestions.

For ten years of the twelve I have held the government, the confidence, the approbation, and the good wishes of the people constantly attended me, nor would this have been lessened but for the insidious practices of those aspiring individuals.

I dare to challenge the whole world to produce an occasion in my administration in which a single individual has met with opposition to an act to further the interest and welfare of the people.

To the accomplishment of these objects I have given up the best years of my life, at the expense of my health and fortune. It is certainly true that I have, all along, used my best endeavors to keep the people steady in their attachment to the General Government, and, so long as this country remains in a colonial state, and the administration is in my hands, so long will those endeavors be continued, by whomsoever that Government may be conducted.

Placed at a happy distance from, and unconnected with any of the parties in the United States, I have devoutly wished the general happiness, and faithfully labored for those of this particular quarter, and endeavored to throw my mite into the general treasury, by forming the people to industry, to obedience to the laws, to moderation in opinions, and to virtue in their lives and practice. The loss of my office would, I acknowledge, sir, be very inconvenient, for, though the duties of it have occupied constantly and exclusively more than twelve years, the expenses necessarily

incident to it and the maintenance of my family, on a very narrow scale, have swallowed up much, indeed, nearly all, of my private funds, without one single cent being saved from the salary. That is nothing. I may have been sacrificing to vanity, though I have not been sensible of it. But a removal can not take place with out deeply affecting my reputation, and that, I own, would be most severely felt. I beg of you, sir, if it should seem to appear, from the representations that may have been made, that such a measure would be proper, to postpone it until I can have it in my power to wait upon you in person, or that you will please to direct an inquiry into my conduct."

This letter was supplemented by a personal visit of Governor St. Clair to President Jefferson. There is no record of their interview, and Jefferson has left us no evidence of what his opinion was concerning these charges. But the fact remains that he did not even entertain them. He was considerate enough of the feelings of the Revolutionary hero not to humiliate him in his old age by removing him for dereliction in office; and he was politician enough to see that in approaching statehood St. Clair could be disposed of in a manner less drastic, and less dishonorable. So the effort to throw him out of office at the behest of partisan rivals failed. That event came later, more summarily, more cruelly, but on less objectionable grounds, and was brought about by the indiscretion of the Governor himself.

There were other and more important plans running through President Jefferson's mind than the mere removal of a Territorial governor, an event, at best,

only desired by a few Virginia partisans on the Ohio. He saw in the sentiment for statehood in the Northwest Territory a far-reaching project that would strengthen his chances for reëlection, and the lease of power of the Republican party.

Jefferson's election to the Presidency had been too close for comfort. The presidential campaign of 1800 resulted in a victory for the Republicans under Jefferson, who obtained seventy-three electors, and the Federalists sixty-five. The Constitution, at that time, made it necessary for each presidential elector to vote for two persons without designating which was to be President and which Vice-President. The one who received the greatest number of votes was elected President, and the next greatest Vice-President. Through the machinations of Aaron Burr, the vote revealed that Jefferson and Burr had the same number of electors. This tie threw the election into the House of Representatives, where in such an election each state had one vote, and a majority of the states was necessary to a choice. The result of the roll call of the states after thirty-six ballots was that Jefferson received the votes of ten states, Burr of four and there were two blanks. Thereby Thomas Jefferson became President, and Aaron Burr Vice-President of the United States.

The President with an eye to the future wanted more Republican states in the Union before the next presidential election, and he viewed with favor, and cordially encouraged the rising cry for statehood beyond the Ohio. Congress, being of the same view as the President, likewise encouraged this movement.

There is no question but the overwhelming sentiment of the Territory was for entrance to the Union. The Federalists however to a man opposed it with all the arguments at their command. But it was a case which power would decide and not arguments. However it is well to know all the facts on both sides, and we can get these from Judge Burnet who states them fairly and judicially in his "Notes." Notwithstanding that he is St. Clair's ablest defender and the most powerful Federalist of the Territory, his statements are worth careful consideration to one who wants to know both sides.

The arguments for and against statehood are given by him as follows: "On the one side it was alleged that the existing government was anti-republican; that the inhabitants did not enjoy the political rights which belonged to freemen; that neither the Governor, the Judges of the General Court, nor the Legislative Council, were, in any form, amenable to the people; that the power of appointing to office, held by Congress, was dangerous; that it had been abused; that the Governor controlled the will of the Representatives of the people; and that there was no remedy for these evils, but a radical change of government."

"On the other hand, it was contended that notwithstanding those allegations were technically true, yet they produced but little, if any, injury in practice, that they were the unavoidable result of the plan adopted for the settlement of the Territory, which was originally admitted to be wise, judicious and safe; that the objections to the form of government were theoretical defects, rather than practical evils; that the exercise of the appointing power, as far as it was held by Con-

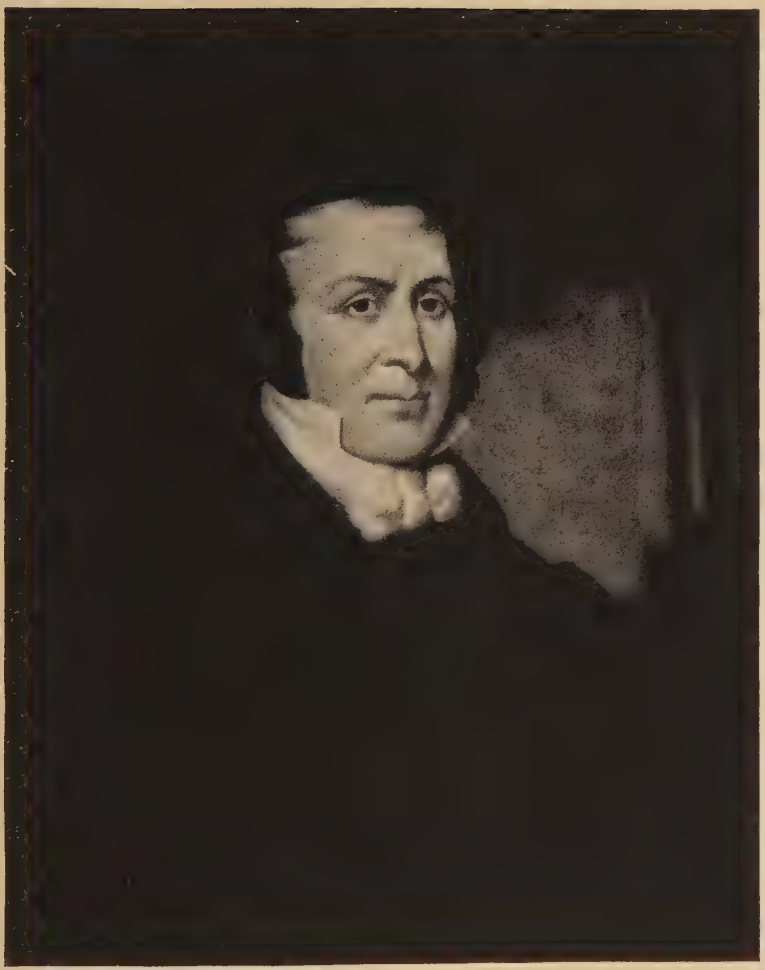
GOVERNOR ETHAN ALLEN BROWN

From a painting in the Capitol at Columbus.

Born, July 4, 1776 on Long Island, N. Y.; settled in Cincinnati in 1802; served as Judge of the Supreme Court from 1810 to 1818, elected Governor in 1818; elected United States Senator in 1822; appointed Minister to Brazil in 1830; was Commissioner of the Land Office, 1835-1836; died at Indianapolis, February 24, 1852.

GOVERNOR ETHAN ALLEN BROWN

From a painting in the Capitol at Columbus.



gress, was fully compensated for by the payment of the salaries of all the officers whom they appointed; that the inhabitants of the district were too few and too poor to bear the expense of a State government; that their numbers were rapidly increasing; that in two years, at most, the district would have a population which would entitle it, as a matter of right, to become a State, without conditions or restrictions, and that it was better to endure the inconveniences complained of until the time should arrive when the proposed change would be a matter of right, and the people better prepared to meet the expenses of the change."

Congress was flooded with petitions and protests on the question of a new state. These were answered by the passage of "An act to enable the people of the eastern division of the territory northwest of the River Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes." This received the President's approval and became a law, April 30, 1802.

Briefly stated the important features of this act were: (1) The inhabitants of the Eastern division of the Territory were authorized to form a constitution and State government, assuming such name as they deemed proper, said State to be admitted to the Union on the same footing as the original States in all respects. (2) The boundaries of the State should be: East, the Pennsylvania line; south, the Ohio River; west, the meridian of the mouth of the Great Miami; north, a due east and west line drawn through the southern extreme of Lake Michigan, and the international

boundary-line. Congress, however, reserved the right to annex to this State that portion of Michigan included within the territorial lines of 1800—that is, about one-half the lower peninsula—or to dispose of it otherwise. (3) All territory included within the limits of 1800, that these lines did not embrace, was annexed to Indiana Territory. (4) All male citizens residing in the Territory, having certain prescribed qualifications, were authorized to choose representatives to form a convention in designated numbers, county by county, on the second Tuesday of October ensuing. (5) The representatives thus chosen were authorized to meet in convention at Chillicothe the first Monday of November, 1802; which convention should determine, by a majority of its whole number, whether it was now expedient to form a constitution and government, and, if so, to form then, but if not, then to provide by ordinance for calling a second convention for that purpose; said constitution, in either case, to be republican and not repugnant to the Ordinance. (6) Until the next census the new State should be entitled to one member in the House of Representatives. (7) Three propositions were submitted to the convention which, if accepted should bind the United States: The grant to the State of section No. 16 in every township for the use of schools, the grant of certain salt-springs, and the grant of one-twentieth part of the net proceeds of all lands sold by Congress within the State, to be applied to building roads connecting the Eastern and the Western waters; provided, the State would exempt from taxation all such lands for the term of five years from the date of sale.

This "enabling act" did not provide for any elements of popular sovereignty. The people of the territory were not asked whether they wanted a constitutional convention, but they were told to hold one, and how. This was one of the strongest grounds of opposition as developed in the House of Representatives. The act also provided for a districting and apportionment of the Territory, which was denounced as arbitrary and unjust. The opponents of the act charged that the Jeffersonian managers were afraid to entrust these things to the people acting through their territorial legislature.

Mr. Fearing, the Territorial delegate, opposed it strongly on other grounds. He said that Congress had exhausted its powers when it consented to the admission of the State before its population reached sixty thousand. He further contended that Congress could not divide the district, admitting by piecemeal. Bayard of Delaware and Griswold of Connecticut argued against its passage.

An analysis of the vote (Annals of Congress, 1801–02, pp. 1105–1112) shows that there was a pronounced sentiment for the creation of the new state; it shows also that the southern members of the House generally favored it and the members from New England generally opposed it. The vote was forty-seven yeas to twenty-nine nays. Twenty-six of the affirmative votes came from the South, fourteen from the Middle States and nine from New England. Of the twenty-nine negative votes, nine came from the South, five from the Middle States and fifteen from New England. Dr. Manasseh Cutler, then a member from Massachusetts, voted

against the bill. The vote of Virginia was fifteen for admission and one against; Massachusetts five for and five against; while Connecticut was none for the bill and five opposed. So from these facts it is well to remember, that in charging the Republicans with forcing statehood for political reasons, the Federalists were equally positive in opposition inspired by the same motive.

Thomas Worthington as the agent of the State party had carried out his mission. On the very day that the President approved the bill fraught with such importance to the new West, Worthington wrote to Nathaniel Massie from Washington: "I do myself the pleasure to enclose you a copy of a law passed for the admission of the Territory into the Union as a State. I leave this place in an hour." In acknowledgment of his great service he was received at his home with rejoicings and celebrations. Chillicothe was illuminated in his honor, and bonfires burned nightly in expression of joy before many a cabin in the Territory.

The Federalists expected that statehood would win, but nevertheless they did not fail to protest to the end against the enabling act. Governor St. Clair in a speech at Cincinnati denounced the Chillicothe contingent, and the Republican societies that had been organized to promote statehood and the interests of Jefferson in the Territory. He charged that these self-styled lovers of liberty, "chiefly residing in the county of Ross," desired to introduce slavery into the new state. At Dayton on September 26, 1802, a public meeting of the citizens condemned the law "as an act of legislative usurpation of power properly the province

of the Territorial Legislature, bearing a striking similarity to the course of Great Britain imposing laws on the provinces." But all these objections were to no purpose or effect. The truth of the matter is that the efforts of the Federalists to stem the tide of statehood were petty and partisan, and they were too puerile to stop an event that was equally important to the West and the Nation. So the people moved to the consummation of the enabling act by holding an election for choosing delegates to the Constitutional Convention.

Section four of the act gave to all male residents in the Eastern Division of the Territory who had resided a year therein, and paid their taxes, the right to vote for representatives to the Convention. There was to be a representative for every twelve hundred inhabitants of each county, that is to say: "from the county of Trumbull, two Representatives; from the county of Jefferson, seven Representatives, two of the seven to be elected within what is now known as the county of Belmont, taken from Jefferson and Washington; from the county of Washington, four Representatives; from the county of Ross, seven Representatives, two of the seven to be elected in what is now known by Fairfield county, taken from Ross and Washington counties; from the county of Adams, three Representatives; from the county of Hamilton, twelve Representatives, two of the twelve to be elected in what is now known by Clermont, taken entirely from Hamilton County; and the elections for Representatives aforesaid shall take place on the second Tuesday of October next." The greater part of Wayne County which formed a part of the Territory was excluded from the enabling

act, and Detroit became its seat of government. Consequently no representatives were apportioned to, nor elected from this county.

It will be interesting at this point to analyze the enumeration of the population as taken by the government in 1800, and on which the basis of representation in the Convention rested. The returns of the second census show the following number and classification of inhabitants:

	Males	Females
Whites, 10 years of age	9,362	8,644
Whites, 10 and under 16	3,647	3,353
Whites, 16 and under 26	4,636	3,861
Whites, 26 and under 45	4,833	3,342
Whites, 45 and upwards	1,955	1,395
	24,433	20,595
Whites		45,028
All other persons, except Indians, not taxed		337
Total		45,365

These inhabitants were distributed in the counties in the Territory as follows:

Adams	3,432
Hamilton	14,692
Jefferson	8,766
Ross	8,540
Trumbull	1,302
Washington	5,427
Wayne	3,206
Total	45,365

These counties, with the exception of Wayne, all located in what is now the state of Ohio, were subdivided, since the census, by the formation of the new counties of Belmont, Clermont and Trumbull. Wayne was excluded from representation because, as before stated it lay almost wholly within what is now the State of Michigan.

The election of representatives to the Constitutional Convention excited great interest throughout the Territory. The question involved invoked general discussion in the press, at public meetings and local gatherings The result of this general agitation was that each county sent a delegation representative of the best thought and character in the community.

The representatives elected from the different counties to the convention to determine whether there should be a state government, and to frame a constitution therefor were as follows: Adams County; Joseph Darlinton, Thomas Kirker, Israel Donaldson. Belmont County; James Caldwell, Elijah Woods. Clermont County; Philip Gatch, James Sargent. Hamilton County; Francis Dunlavy, John Paul, Jeremiah Morrow, John Wilson, Charles Willing Byrd, William Goforth, John Smith, John Reily, John Browne, John Kitchel. Jefferson County; Rudolph Blair, John Milligan, George Humphrey, Bazaleel Wells, Nathan Updegraff. Ross County; Edward Tiffin, Nathaniel Massie, Thomas Worthington, Michael Baldwin, James Grubb. Trumbull County; Samuel Huntington, David Abbott. Fairfield County; Emanuel Carpenter, Henry Abrams. Washington County; Rufus Putnam, Ephraim Cutler, John McIntire, Benjamin Ives Gilman.

Thus ended the five years' struggle for statehood. It was essentially a triumph for the rights of the people, and was really the first fight and victory for Democracy under our Government. In the eastern states the political rights of man were hampered and fenced about with qualifications and restraints that the people of the West refused to bear. These rights—voting and holding office—were fixed under various conditions. In some states religion was the qualification; in others, acres of land, or personal property; in one the voter must have been "a quiet and peaceable citizen with a freehold of forty shillings or a personal estate worth forty pounds." The result was that thousands of men who fought for this land and helped to build it up could not vote for those who were to govern. And again, thousands more, who could vote, were deprived for life from being a sheriff of the county, or a judge, or from going to the Legislature, or holding any higher office.

The men who came to the Northwest Territory boldly attacked these remains of class rule which had been worked into the Ordinance of 1787. Their ideas of self government were incorporated into the new organic law which the Constitutional Convention was about to construct. The work of this convention forms the most interesting study in Ohio history.

Chapter IV.

THE FIRST CONSTITUTIONAL CONVENTION

THE political divisions which marked the past Territorial assemblies, and which prevailed among the people were apparent in the Constitutional Convention. Generally, a certain geographical test obtained. The Federalists came from New England, New York and New Jersey, and we find them strongest at Marietta and in the eastern and northern portions of the Territory. The Republicans being from Pennsylvania, Virginia and Kentucky were, broadly speaking, located in the southern portion.

But two representatives were from the northern part of the Territory. The remainder of the thirty-five were from the southern and eastern parts. Two were from Trumbull county bordering on Lake Erie; seven were from the interior counties of Fairfield and Ross; and twenty-six were from the Ohio river counties of Hamilton, Clermont, Adams, Washington, Belmont and Jefferson. These river and interior counties were in the path of the Virginia-Pennsylvania immigration to the territory. The northern county of Trumbull embraced the Western Reserve of Connecticut, and received a distinctly New England and New York emigration. From these facts we can readily understand why the large majority of the convention were Republicans, ardent followers of Jefferson and ready to carry out the ideas of his party.

This was evidenced in its organization, which was effected November 1, 1802, by the election of Edward Tiffin for President, and Judge Thomas Scott of Chillicothe for Secretary. The spirit of partisanship, however, did not enter much into the proceedings of the convention; and yet it must not be implied that there

was not, when the question justified it, a clear cleavage between the ideas of Jefferson and Hamilton in the convention. Wherever the rights of the people were involved the Republicans asserted their control. The conflict developed into one of ideas and not of mere partisan domination.

The men who formed this convention brought to their task great abilities and patriotism. While it is true that on some questions they were roughly partisan, their general treatment of the problems before them indicated a high order of statesmanship. Indeed, it can be truthfully said that no deliberative assembly in the history of Ohio approached and performed its work with a greater realization of its responsibility. The ability and character of its membership were of the first order. From its ranks came men who rose to distinction in after life as Governors, Judges of the Supreme Court, Representatives in Congress and United States Senators. Even before their entrance to the convention they had won honors in the public life of the territory.

The condition precedent of this convention remaining in existence depended on its decision of a very important and primary question. After it had determined its membership, and made its rules, it discussed whether "it be or be not expedient at this time to form a Constitution and State Government." On a roll call the resolution declaring the opinion of the Convention to be favorable to a Constitution and a State Government was passed by a vote of thirty-two yeas and one nay.

EPHRAIM CUTLER

Oldest son of Rev. Manasseh Cutler, founder of Marietta, born, April 12, 1767, at Edgartown, Massachusetts; served in the first Constitutional Convention in 1802; also a member of the Legislature in 1818 where he advocated reform in taxation; was the pioneer in the movement for common schools in Ohio; he died, July 8, 1853, in Washington County.

The single vote against statehood was that of Ephraim Cutler, one of the representatives from Washington county and a son of Dr. Manasseh Cutler, the founder of the Marietta colony. Mr. Cutler was a man of radical Federalist ideas, and was noted for his strong and pure character. What he did not believe in, no expediency could make him do. Deserted by his colleagues from Marietta, all of them Federalists, including General Rufus Putnam, he firmly stood for a position from which he could neither be coaxed nor driven.

In his autobiography ("Life and Times of Ephraim Cutler," by his daughter, Julia Perkins Cutler,) he says, "My colleagues held the same views respecting the true policy that the convention should have adopted, but believed that they would obtain a greater influence in the future proceedings by taking the course they did." As to this, his colleagues were mistaken, for Mr. Cutler was stronger in the convention than any, or all of them, by reason of his courage, wisdom and ability. As we shall see later on, some of the most important features of the constitution are traceable directly to his efforts and labors. Concerning his solitary vote he afterwards wrote to his father: "You have no doubt seen by the papers that the vote for accepting the law of Congress, and proceeding immediately to form a state government, passed by a majority of thirty-two to one; this one, sir, was simply me; and I do think it a favorable circumstance, to have had the opportunity to place my feeble testimony against so wicked and tyrannical a proceeding—although I stand alone." The two

members not voting were Edward Tiffin, the President, and David Abbott of Trumbull county, both of whom would have voted in the affirmative had they been present.

Before considering the work of this convention there are some general features concerning it that are interesting and instructive. The brevity of its session has always been a subject of wonder to political students, especially in the light of the long drawn out conventions of later date. The session lasted from the first day of November to the twenty-ninth; it performed its labors in twenty-five days. The total cost to the State was $4,556.75.

Referring by way of contrast to the Constitutional Conventions of later years we observe a marked difference in the length and cost of sessions not justified by the progress of the periods, or the results. The second Constitutional Convention of 1850 was in session 150 days, working of that time 135 days, at a cost to the State of $95,364.29. The third Constitutional Convention of 1873 lasted 253 days, of which 188 days were spent in actual session. This convention cost the State $236,088.49, including $30,547.87 for publishing constitutional amendments. For a full statement of these expenses, reference is made to the Auditor of State's Reports for 1850-53, and 1873-76.

If we seek diligently for a cause of the successful operation of the first convention we will find it (1) in the ability of its members, (2) in the fewness of their number, and (3) in their systematic and conscientious methods of working. The ideal deliberative body is composed of a few men of a high order of intelligence,

and endowed with a capacity for orderly work. This convention met all these requirements, and one will search in vain for a body of men in the subsequent history of the State equal to it.

The proposed Constitution was to consist of eight articles and a schedule. The rules were so constituted that each section, article or resolution was to be read three several times. Every article was considered by a special committee, and often when reported to the Convention, it was considered by the Committee of the Whole. The scant official report of the Convention shows with what care all measures were considered, and the frequent roll calls register the fidelity of attendance. The articles of the Constitution which gave rise to vigorous discussion were the second relating to the executive; the third relating to the judiciary and the eighth article known as the "bill of rights."

The experience of the Territory with St. Clair is responsible for the limited power conferred upon the Governor by the second article. Jeremiah Morrow, a Republican representative from Hamilton county, afterwards State Senator, Congressman, United States Senator and Governor, endeavored to have this article amended so as to confer the veto power on the Governor of Ohio. In this Mr. Morrow failed, and the result after strenuous debate was the adoption of an article so limiting and restricting the powers of the Governor as to be almost nominal. In aiming to avoid an arbitrary exercise of the Executive power the Convention went to the other extreme.

The preparation of the third article which created the judiciary of the State was the source of great discussion and difference. This article was prepared by Charles Willing Byrd, a representative from Hamilton county, also Secretary of the Territory and afterwards the temporary successor of St. Clair as Governor. Among other features it provided that a Supreme Court should be created to sit at the capital and nowhere else. This was objected to by Mr. Cutler and he carried with him a majority of the Convention. It was soon discovered that no agreement could be reached to hold the court in any one county. Mr. Cutler was in favor of a court that would bring justice to every man's door. To meet this, Mr. Byrd's plan was defeated and the unique provision of having the Supreme Court held once a year in each county of the State was adopted.

The plan did not work satisfactorily as it required the Judges to be traveling half the year, and in the back counties where law books could not be had cases were often decided in haste, and the same points were often decided differently in different counties. The Legislature afterwards, in 1821, remedied this to a certain extent by directing a special session once a year of all the Judges of the Supreme Court at the State Capital to pass upon cases reserved in the counties, and sent up by order of the Supreme Court held therein.

The judiciary article also provided that the Judges of the Supreme Court, the Presidents and Associate Judges of the Court of Common Pleas should be appointed by a joint ballot of the General Assembly.

Time proved this to be one of the weakest points in the Constitution. Of course it was one of the manifestations of the spirit of Democracy that made the Supreme Court the creature of the General Assembly thereby keeping the judiciary within its power. The result of the operation of this plan was to involve the judiciary in politics, and in after years gave rise to scandal and intrigue. The judges became the victims, and in some instances the tools of politicians. The system developed antagonisms between the Legislative and Judicial departments of the State government, leading to acts on the part of the former disgraceful and unconstitutional.

The subsequent history of the State presents instances of the bad effects of destroying the independence of the judiciary by making its tenure and conduct dependent upon popular opinion or party decision. We shall see later on how the General Assembly for political reasons alone removed by resolution all the judges of the State, from the highest to the lowest, and replaced them by judges of its own party. And we shall read further how the General Assembly impeached, and sought to remove, the Judges of the Supreme Court because they decided an act of the Legislature unconstitutional.

This dependency of the judiciary upon the Legislature led to their election by the people as provided in the Constitution of 1850. The change was the result of the unsatisfactory experience of the method adopted in 1802. In the extreme democracy of that period the independence of the judicial branch of the State government was destroyed.

The eighth article, or the "bill of rights," enumerated the basic principles of liberty and free government. Its preparation was committed to a special committee in the fourth day of the session. The most prominent member of this committee was Mr. Cutler.

In considering this article the convention voted—yeas nineteen, nays fifteen—to confer upon all male negroes and mulattoes the right of suffrage "if they shall within twelve months make a record of their citizenship." Afterwards when this article came up for final adoption it was stricken out. The vote on this question was a tie—seventeen yeas and seventeen nays. The deciding vote in favor of striking it out was cast by President Tiffin. He gave as his reason, that the close proximity of two slave-holding states—Kentucky and Virginia—made it undesirable to offer such an inducement for the emigration of negroes and mulattoes.

It has been written that there was an attempt to fasten slavery on Ohio in this convention. The journal of proceedings nowhere discloses this. Mr. Cutler in his writings states that there was such an attempt, and Dr. B. A. Hinsdale in his scholarly work "The Old Northwest," repeats this. The fact remains that there is no evidence in the records of the Convention which indicates that there was any contest to prevent the adoption of the anti-slavery section of the bill of rights. Judge Burnet, who was contemporary with the Convention, makes no mention in his "Notes" of any such attempt. Indeed the Convention came nearer to establishing negro suffrage, as has been seen, than it did to adopting slavery.

There was no sentiment for slavery in the Territory at that time. The Federalists, however, were wont to charge upon the Virginia combination a plot to establish slavery in the new state. But it was a political argument used to defeat their opponents. It was used freely in the Federalist press of that day. Even Edward Tiffin whose anti-slavery record has been referred to, was charged by his opponents in the election with a desire to legalize slavery in the proposed state. To this he replied in a card published in the "Scioto Gazette" of Chillicothe, that, "even were it possible to establish slavery here—which it is not, because it was forever prohibited by the Ordinance of 1787—I would regard its introduction as being the greatest injury we could possibly inflict upon our posterity." Tiffin was the leader and spokesman of the Democratic-Republicans—as they had now come to be called,—of the Territory, and he certainly represented their ideas on this question.

The unfriendly feeling of the Convention to Governor St. Clair was manifested early in the session. On the third day the Governor was present and expressed himself as desirous of addressing the Convention. The scant courtesy and almost deliberate insult which he received at its hands is disclosed by the journal.

Instead of inviting the Governor to express his opinions with a generosity deserving his dignified station and honored life, the convention declared that, "Arthur St. Clair, Esq.,"—denying him his titles both civil and military—be "permitted" to speak "on those points which he deems of importance." To this extent did the bitter partisanship of those days go to insult

a faithful official and Revolutionary hero. Even on this unfriendly permission there was a close division, the vote being yeas nineteen; nays fourteen. This affront, for such it was, was keenly felt by the Governor and his friends.

St. Clair's address to the Convention was the swan song of the Federalists in the Territory. To say the least it was ill-tempered and ill-advised. President Jefferson received it as "intemperate and indecorous;" on the other hand Judge Burnet records it as "sensible and conciliatory." These two opinions represent the view-points of Republicanism and Federalism. The general tone of his address was judicial although critical.

Two extracts, representing the extreme expressions of "sensible" and "intemperate" will be interesting remains of the last public utterance of the first Governor of the Northwest Territory. Recurring to his connection with the past history of this new country he said: "When I look around upon this assembly and consider the purpose for which it is convened, and carry back my thoughts for fourteen years, when the affairs of this country were committed to me; when your numbers were only about thirty men; a wilderness before them to subdue, and surrounded by numerous tribes of savages, who, though at peace, were far from possessing friendly dispositions, and soon afterwards at open war—I am filled with astonishment and profound gratitude to the Almighty Ruler of the universe, who led them through all the difficulties they had to encounter, and has made of that small handful a great people, and brought them to that point from which

they are to take their station on the theater of America as a nation. To you, gentlemen, as their representatives, it belongs, if you think proper to take it upon yourselves, to form for them that Constitution which, while it secures their political liberty, is to be the foundation of their welfare and respectability. The task is arduous as it is important, and it can not be doubted that you will bring to it patient and candid investigation, true patriotism, and mutual good-will and condescension."

Then followed the expressions which offended Mr. Jefferson's administration, and which were promptly forwarded to Washington by St. Clair's enemies: "The act of Congress under which you are convened has determined the object on which they are first to be employed, to wit, whether it be or be not expedient, at this time, to form a constitution and frame of government. That being determined in the affirmative, which I presume it will be, you are at liberty to proceed and make that constitution, or to pass an ordinance for the election of representatives for that purpose. But you are further at liberty, gentlemen, to confine the constitution to be made to what is called the eastern division of the Territory, or to extend it to the whole Territory. That the people of the Territory should form a convention and a constitution needed no act of Congress. To pretend to authorize it was, on their part, an interference with the internal affairs of the country, which they had neither the power nor the right to make. The act is not binding on the people, and is in truth a nullity, and, could it be brought

before that tribunal, where acts of Congress can be tried, would be declared a nullity.

"To all acts of Congress that respects the United States (they can make no other) in their corporative capacity, and which are extended by express words to the Territory, we are bound to yield obedience. For all internal affairs we have a complete legislature of our own, and in them are no more bound by an act of Congress than we would be bound by an edict of the first consul of France. Had such an attempt been made upon any of the United States in their separate capacity, the act would have been spurned from them with indignation. We, I trust, also know our rights, and will support them, and, being assembled, gentlemen, as a convention, no matter by what means it was brought about, you may do whatever appears to you to be for the best for your constituents as freely as if Congress had never interfered in the matter, and it may be a strong motive to you for so acting, that, by this very act, above five thousand people are divested of the rights they were in possession of without a hearing—bartered away like sheep in a market—transferred to another government, and thrown back into a stage of it which has been loaded with every epithet of opprobrium which the English language affords."

A more inopportune and unwise speech can scarcely be imagined. For a governor of a territorial government to attack the motives and powers of Congress, which under the Constitution, had full power in the premises, was not only bad taste but official disloyalty. He certainly had no right to complain if the admin-

istration at Washington should be offended at his words, and resent his attitude with all its strength.

"Sir Arthur," as his enemies called him, at last placed in their hands, what they, in all their malignity, had never been able to secure—a cause for his removal from office. Dropping, for the moment, further consideration of this occurrence, and awaiting the movements of President Jefferson in relation to it, it may be observed that the sarcastic response of the Convention to the Governor's speech was the immediate passage of the resolution favorable to statehood, as heretofore narrated.

The most important step taken by the Convention, outside of the adoption of the Constitution itself, was in relation to submitting it for acceptance or disapproval to a vote of the people of the eastern division of the Territory. The refusal to submit it to the people for a vote was sustained both in the Committee of the Whole and in the Convention. There were only seven votes favorable to a submission.

Mr. Cutler voiced the sentiment of those who demanded the opportunity for the people of declaring their assent or dissent to the Constitution. He argued that the dissatisfaction with the work of the Convention would be increased by the fact that the authority under which they acted had not been derived from the people who were to receive the benefits, or abide the evils that were prepared for them. If the Constitution was submitted to the people, said he, the mouths of the clamorous would be stopped, and the minds of the judicious satisfied. To the objection that it would occasion delay and additional expense, he answered,

that the time for the coming into operation of the State government would not be greatly procrastinated. Two months would probably be found sufficient to answer the purpose proposed, and as to expense, if harmony was thus secured, it would be a cheap purchase. But the majority gave no heed to his words, in what he called "mad haste to change the form of government."

The fact that this Constitution was not submitted to the people, has been the subject of discussion and criticism by historians and publicists from that time to this. An idea has prevailed that it was extraordinary and revolutionary. On deliberate consideration it will be found that it was neither. Congress had the undoubted right to authorize the Convention "to form a constitution and state government."

A convention such as this, under the act of Congress creating it, possessed inherent powers amounting to sovereignty. It was the evident intent of the framers of the act in question, to commit the whole and exclusive duty of forming the Constitution to the Convention. The legal theory under which it (the Convention) was formed, was that it was a strictly representative body composed of the agents of the people, and that it possessed all the inherent power of the sovereign. In other words, it was a virtual assemblage of the people, of whom, by reason of numbers and remoteness from each other an actual assemblage was impossible. The Convention met clothed with all the power the sovereign people would have had if gathered together. It might say with Louis XIV: "We are the State."

GOVERNOR ALLEN TRIMBLE

From a painting by Freeman Thorp in the Capitol at Columbus.

Born in Augusta County, Virginia, November 24, 1783; removed to Ohio in 1805; served in the House of Representatives in 1816, and in the Senate in 1818; as Speaker of the Senate he became Governor when Governor Brown was elected United States Senator; elected as Governor in 1826 and 1828; died February 3, 1870 at Hillsboro.

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The failure of the Convention to submit its work to the people is not of itself an unusual proceeding. It is a practice that for one hundred years has been more honored in its observance than in its breach. Of the constitutional conventions held in this country for the purpose of framing the first constitution of their respective states, the following submitted their work to the people: California, Colorado, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, Oregon, Texas, West Virginia and Wisconsin, fifteen in number. The following State conventions did not submit their first constitutions to the people for expression: Alabama, Arkansas, Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, Florida, Illinois, Indiana, Kentucky, Louisiana, Missouri, New Hampshire, Ohio, South Carolina, Tennessee, and Vermont, in all twenty-one states.

On a careful study of the first Constitution of Ohio the conclusion is inevitable that it was dominantly and arbitrarily democratic, using that term in its broadest sense. It distinctly bears the impress of Thomas Jefferson, and was intended to be the foundation of a people's government. The Executive was ignored and restricted, the Judiciary controlled and limited, and all the power possible was placed in the Legislature, which was elected for a short period.

The principle of vesting in the Legislative branch so much power was the rage in that Jeffersonian period. As indicative of this we find Nathaniel Macon, a prominent statesman of North Carolina, at this time a member of Congress from that State, and speaker of the

House of Representatives, writing to Thomas Worthington urging the increase of the power of the Legislature. In a letter dated September 1, 1802, (St. Clair Papers, 11, 590) he urges that all appointments to office be made by the Legislature rather than by the Governor. He advocated the election of the Governor and all the State officers by the Legislature. This idea was peculiarly a Southern sentiment, and it had some effect on the work of the Convention; indeed, the suggestions of Speaker Macon, except as to the Governor, were adopted by the Convention and formed a distinctive feature of the new Constitution.

What influence did President Jefferson exert personally on the Convention and the Constitution? We have seen how much interested he was in the creation of the new State and the formation of its organic law. There is evidence of a decidedly reliable stamp that he was in touch with the movements of his party in the Territory, and that his advice was sought and given. There are two circumstances bearing on Mr. Jefferson's relation to the Convention that while not a matter of record, are worthy of consideration.

Mr. Brown of Hamilton county was one of the Committee on the Bill of Rights and offered a proposition in the committee providing that, "No person shall be held in slavery, if a male, after he is thirty-five years of age; or a female, after twenty-five years of age." Mr. Cutler had no doubt but that this proposition was in the handwriting of Thomas Jefferson. The proposition was laid on the table and when next

considered in the Committee, Mr. Brown observed that what he had presented was approved by the greatest men of the Nation as a step towards gradual abolition of slavery. Mr. Cutler further states on the authority of Thomas Worthington that Jefferson expressed to the latter when he was at Washington urging the passage of the enabling act, that he (Jefferson) hoped an article in the Ohio Constitution (similar to the one afterwards offered by Brown) might be adopted by the Convention; and that he hoped that there would not be any effort to totally exclude slavery from the proposed State, as it would militate against the interests of those who desired to settle in Ohio from the South.

As further and cumulative information on this subject, the observations of Jeremiah Morrow, who was the first Representative in Congress from Ohio, and afterwards United States Senator and Governor, is given by Asahel H. Lewis, who was State Senator from the Summit-Portage district in 1846-7. This letter was written to William Parker Cutler, son of Ephraim Cutler before referred to; it is dated "Cincinnati, January 5, 1854," and is published with the Cutler writings. It is given as throwing an interesting sidelight on the politics of this period. Mr. Lewis says: "In answer to your note of the 31st inst., I state that in the winter of 1846-7, as I think, I had several conversations with the late Governor Jeremiah Morrow, who was then at Columbus. These related in a considerable degree to the early history of Ohio, the convention that formed the state constitution of 1802, and the character of many of the leading men of the period.

"I had then just read very attentively the journals of that convention, and being interested in the subject, sought to elicit from him such reminiscences as he had in relation to those points. In one of these he stated that when he went to Washington as a member of Congress, in 1803, he visited Mr. Jefferson; that their conversation turned upon the then new constitution of Ohio, that Mr. Jefferson commended it highly in its main features, but thought that the convention had misjudged in some particulars. One of these was in the structure of the judiciary, which Mr. J. thought was too restricted by the constitution for the future wants of the state, using, in this connection, the expression 'they had legislated too much.' Another was in the exclusion of slavery. Mr. Jefferson thought 'it would have been more judicious to have admitted slavery for a limited period,' 'an opinion,' added Governor Morrow, 'in which I did not concur.' This statement of the conversation with Mr. Jefferson was much more full and minute, but, as I have not by me the memoranda I made at the time, I can give only the substance. This, I am sure, is correct.

"I do not recollect that he told me the fact mentioned by you respecting the section believed to have been drawn by Jefferson's own hand, but am inclined to think I was informed of it by yourself.

"There is no impropriety, I think, in my repeating these statements. Governor Morrow understood the inquiries which I made of him as being, if I may so say, directed to 'the truth of history,' and that I should use this information if I saw proper. If you think so, you have the same liberty."

Considering the character and reliability of those who have handed down to us these reminiscences, it is difficult to reject them as mere fabrications. Whatever may be the value of these traditions one thing is historically true, that is, if Mr. Jefferson sought to influence the Constitutional Convention on the question of modified slavery it was received by that body with the negation of silence.

Recurring now to Governor St. Clair, there is left to record the most disgraceful episode of that period. Not the mere fact of his removal, but the cowardly and insulting manner in which it was accomplished. His speech before the Convention of course stirred to rage his enemies, and in it they saw their long sought opportunity. Its contents were promptly forwarded, by whom it is not known, to President Jefferson and the result was the following official communication from the Secretary of State:

"Department of State,
Washington, November 22, 1802.

Arthur St. Clair, Esq.:

Sir:—The President observing, in an address lately delivered by you to the convention held at Chillicothe, an intemperance and indecorum of language toward the Legislature of the United States, and a disorganizing spirit and tendency of very evil example, and grossly violating the rules of conduct enjoined by your public station, determines that your commission of Governor of the North-Western Territory shall cease on receipt of notification.

I am, etc.,
James Madison."

The brutal elimination of a title, civil or military, and the curt close, stamps it as a letter bearing the marks of a petty insult. While the letter was addressed to the Governor it was not sent to him, but was mailed to Charles Willing Byrd, the Secretary of the Territory, with instructions to deliver it to Governor St. Clair, and in the same communication Byrd was made the acting Governor.

The details of this transaction are worthy of being dwelt upon; they cannot be read without feelings of indignation and shame, as well as sympathy for one whose life had been full of great services to his country.

The spirited old man, now sixty-eight years of age, accepted his fate with courage and calmness, but he could not resist the temptation to let fly one Parthian arrow at Jefferson and Madison. He addressed to the latter a bitter and aggressive letter, which in justice to the completion of the history of the Territory is given here in full. It was as follows:

"Cincinnati, December 21st, 1802.

"Sir:—Your letter of the 22d of November, notifying me that the President had determined that upon receipt of that letter my commission of governor of the Northwestern Territory should cease, was delivered to me by Mr. Secretary Byrd on the 14th day of this month.

"I request you, sir, to present my humble thanks to the President for that favor, as he has thereby discharged me from an office I was heartily tired of about six weeks sooner than I had determined to rid myself of it, as he may have observed from an address—not to the Convention, but—to the people, on the 8th instant.

"I cannot, however, agree with the President that in my address to the Convention, which is assigned as a reason for my being dismissed, there was either 'intemperance or indecorum of language towards the Legislature of the United States, or a disorganizing spirit of evil tendency and example,' unless an honest and true representation of facts deserve these epithets, or that 'the rules of conduct enjoined by my public station' were in any way violated, unless it is understood that the rule of conduct is an implicit, blind obedience.

"As the Convention, sir, was to meet in pursuance of an act of Congress, whereby the election of the members was to be made according to the law of the Territory that had existed, but had been long repealed, a sense of duty led me to cause the election to be made conformably to the spirit of the act and the existing laws of the Territory, as they could not be made conformably to the words of it; and when the Convention was met, I had done with it in my official capacity.

"Every citizen has a right to address that body, either openly or in writing, and that right was common to me with the rest; and I believe, sir, it is a paramount duty which every man owes to the community of which he is member, to give warning, either to the representatives or to the body, when he sees the rights of that community invaded—from whatever quarter the invasion may come—and direct them, if he can, to the means of warding it off or of repelling it; and I scruple not to say that the violent, hasty and unprecedented intrusion of the Legislature of the United States into the internal concerns of the Northwestern

Territory was, at the least, indecorous and inconsistent with its public duty. And I might add that the transferring of above five thousand people, without their knowledge or consent, from a country where they were in possession of self-government, to another where they will be, at least for some time, deprived of that privilege and subjected to many other inconveniences, was something worse than 'intemperate and indecorous;' and that, had it happened in Germany, where such things have happened, no man in America would have hesitated to have used a harsher term.

"Degraded as our country is and abject as too many of her sons have become, there is still a vast proportion of them who will be at no loss for the proper term.

"Be pleased, sir, to accept my thanks, too, for the peculiar delicacy you observed in committing the delivery of your letter, and furnishing him with a copy of it, to Mr. Byrd, against whom there was in your hands, to be laid before the President, complaints of something more than mere 'indecorum'—the total neglect of, and refusal to perform, his official duty.

"It is such strokes as this which serve to develop character and, like the relief in painting, brings out the figure distinctly in its proper place.

"It produced, however, no other emotion in me but that kind of derision which physiognomists tell us is the involuntary expression on the countenance of a certain mental sensation which I do not choose to name, and never fails to produce it.

"With due respect, I am, etc.,

"Ar. St. Clair."

This closes the official life of General Arthur St. Clair in the great Territory which he helped to create, and which he governed for fourteen years. We have read how as President of the old Continental Congress he gave his powerful aid to secure by the Ordinance of 1787 a charter of freedom for five States, whose foundations, were thereby, built upon the corner stones of liberty, religion and education. We see to-day the influence of these ideas in the growth, wealth and progress of the quintet of republics moulded out of the Territory of which he was Governor. It would seem that a character like St. Clair's would at least have retained the admiration and gratitude of his country. In another age and in another Republic he would have received the eternal acclaim of his countrymen, the wreath of laurel would have been placed upon his brow and wealth would have added peace and luxury to old age. But not so here. The proverbial ingratitude of the people was never so strongly illustrated.

To point this moral, to adorn and complete the story of the Northwest Territory, the after history of Governor St. Clair may properly be told. He returned to Pennsylvania and settled at Ligonier. He was now an old man, broken in spirit and health and fortune. The life that was once powerful and brilliant was now being surrounded by the shadows of poverty, ingratitude and debt. The record of his closing days cannot be written without mingled sentiments of disgust, indignation and sadness.

St. Clair had advanced money in behalf of the government during the darkest days of the Revolution,

in order to hold Washington's army together in January, 1781. There was a mutiny in the Pennsylvania line, and St. Clair from his private finances advanced sufficient to meet all demands for pay. Repeatedly did he attempt to have the government reimburse him; when finally it was passed upon by the Committee of Claims, of Congress, who reported that although the money had been expended for the benefit of the United States, the claim was barred by the Statute of Limitations!

While he was in charge of Indian affairs in the Territory he incurred liability for nine thousand dollars in order to carry out the orders of the Secretary of War. After much circumlocution this claim was also refused on account of the Government pleading the same bar as it did in his Revolutionary claim.

Elisha Whittlesey, a prominent lawyer of the Western Reserve for a half-century and a Congressman from 1822 to 1837, met St. Clair in his home at Ligonier in 1815. Whittlesey was on his way to Connecticut and concerning this incident he says: "I proposed that we stop at his house and spend the night. He had no grain for our horses, and after spending an hour with him in the most agreeable and interesting conversation respecting his early knowledge of the Northwestern Territory, we took our leave of him with the deepest regret.

"I never was in the presence of a man that caused me to feel the same degree of esteem and veneration. He wore a citizen's dress of black of the Revolution; his hair clubbed and powdered. When we entered, he rose with dignity, and received us most courteously.

GOVERNOR JEREMIAH MORROW

From a painting by John H. Witt in the Capitol at Columbus.

Born at Gettysburg, Pennsylvania, October 6, 1771; removed to Ohio in 1795; served in the Territorial Legislature, 1801, and in the first Constitutional Convention in 1802; was the first and sole Congressman from Ohio from 1803 to 1813; was United States Senator from 1813 to 1819; elected Governor in 1822 and reëlected; again elected to Congress in 1840; died, March 22, 1853.

GOVERNOR JEREMIAH MORROW

From a painting by John H. Watt in the Capitol at Columbus.

His dwelling was a common double log-house of the Western country, that a neighborhood would roll up in an afternoon. Chestnut Ridge was bleak and barren. There lived the friend and confidant of Washington, the ex-Governor of the fairest portion of creation. It was in the neighborhood, if not in view, of a large estate near Ligonier that he owned at the commencement of the Revolution, and which, as I have at all times understood, was sacrificed to promote the success of the Revolution. Poverty did not cause him to lose his self-respect, and, were he now living, his personal appearance would command universal admiration."

It was amidst the humiliation of an unappreciated life, and the pangs of financial want that this distinguished patriot ended his career. He died August 31, 1818. His name is inseparably connected with the romance and history of Ohio, and in his long and useful life, there was no period in which he gave more brilliant and lasting service to his country, than during his career as Governor of the Northwest Territory.

With St. Clair's exit from office the Constitutional Convention closed its labors. The Constitution, which it framed, and which was the organic law of the new State for fifty years, can be fairly understood by the summary which follows.

Like the Constitution of the United States, it conferred the elective franchise on every white male resident of the State, twenty-one years of age. It likewise divided the exercise of power into three departments —executive, legislative and judicial.

The Governor, elected for two years, could be re-elected continuously to serve three terms, and after being out of office for the period of one term, would again be eligible. This privilege, however, has never been exercised to the full extent of its limits. The veto power was removed, and while making it the Governor's duty to communicate such information to the Legislature and recommend such measures as he might think expedient, on extraordinary occasions to convene the Legislature, and, in case of disagreement between the two houses as to the time of adjournment, adjourn them, with the business of legislation he should have nothing to do. As commander-in-chief of the army and navy of the State he could control the arming and equipment of the same; except in cases of impeachment, he might grant reprieves and pardons; and he could fill vacancies in State offices which occurred during the recess between the two sessions of the Legislature, by granting commissions which should expire at the close of the next occurring session; but beyond the exercise of these privileges, he was rendered powerless.

The legislative power was committed to a General Assembly, consisting of a Senate and a House of Representatives. The Senate was to have not less than one-third nor more than one-half of the members allowed the House. While the members of the latter were to be not less than seventy-two nor more than seventy-six in number, and be chosen annually, and apportioned among the several counties, according to the legal voters in the same, the members of the former were chosen biennially. No judge or clerk of any

court, or member of Congress, or person holding office under the United States, or any lucrative office, except in the militia, or as justice of the peace under the State, could be a member of the Legislature. Bribery rendered the person elected by its aid ineligible for that office for two years. The qualifications for members were, that they should be United States citizens, free from the disqualifications mentioned, inhabitants of the State, and resident within the district from which they might be chosen, and tax-payers; also Representatives to be not less than twenty-five years, and Senators not less than thirty years of age.

No property qualification was necessary. Property, as such, the Legislature did not represent, nor regard in the distribution of political power. By joint ballot the Legislature appointed judges and State officers, civil and military, and fixed their salaries and compensation. Each house might choose its own officers, establish rules for its proceedings, punish its members for misbehavior, expel the same if a two-third vote concurred, and punish contempts committed against its dignity by persons not members. Bills could originate in either house, subject to alteration, amendment, or rejection by the other. The power to impose taxes to raise a revenue, though not expressly recognized by the constitution, could be exercised as a power necessarily implied. Each house was to sit with open doors, unless secret session was necessary, such necessity to be decided by a two-third vote.

The Governor and all other civil officers were, for misdemeanors in office, liable to impeachment by the House of Representatives, and subject to trial by the

Senate, sitting as a high court for that purpose; but no conviction could ensue unless by a two-third vote of the Senators sitting as such court. No punishment beyond removal from or disqualification for office could follow conviction; but, whether acquitted or convicted, the person was subsequently liable to indictment and might be tried, with judgment and punishment according to law. No money could be drawn from the treasury except by legislative appropriation, and an accurate account of receipts and expenditures should be annually published with the laws.

The judicial power was vested in a Supreme Court, Courts of Common Pleas, in justices of the peace, and any other manner of courts the Legislature might establish and prescribe. The Supreme Court consisted of four judges, and by all, or any two of them, a court should be held once a year in each county. Each Common Pleas Court should consist of a President and Associate Judges. The State was divided into circuits, the number of which might be increased with the increase of the population. For each circuit one President Judge, and for each county not less than two nor more than three Associate Judges should be appointed. Each of these circuit courts had original and appellate jurisdiction "in common law, chancery, and criminal cases."

The Court of Common Pleas had "jurisdiction of all probate and testamentary matters, granting administration, and the appointment of guardians." All the Judges should be appointed for the term of seven years, and, except the associates, were compensated with salaries. They were forbidden to hold any other

office of profit or trust, or receive fee or perquisite for the performance of their duties. Each court could appoint its own clerk. The justices of the peace were elected by the townships, one to each, to serve three years. Sheriffs and coroners to be elected biennially, but no election of the same person to the former office for a third term was permitted. Officers of towns and other township officers to be chosen annually, and the Legislature authorized to designate the manner of filling all public offices not specially mentioned in the constitution.

In addition to these matters of power, the great doctrines established by the Ordinance of 1787, were, in a more solemn manner, stated and confirmed. The people were recognized as the original source of power, with the right of the citizen under the requirement of law, to speak, write, or print as he might think proper, and making liable for the abuse of that right. All prisoners should be humanely treated, granted a speedy and impartial trial, and punished proportionately to the nature of the offense committed. Imprisonment should be restricted to certain conditions, involving fraudulent intent. Poll taxes should be prohibited and the Legislature denied the liberty of granting any hereditary privileges.

Finally, it provided for the incorporation of associations to be regularly formed within the State, on application to the Legislature for that purpose by private bill; and that amendment or revision of the State constitution should only be had by a convention to be elected whenever a majority of the people, on the recommendation of two-thirds of the General

Assembly, might vote for the same. To this constitution was affixed a schedule, providing that the territorial laws should remain in force until repealed by the Legislature of the State; the first election was to be held on the second Tuesday in January following and the first General Assembly required to convene at Chillicothe on the first Tuesday of March, 1803.

In the closing days of the Convention, Mr. Goforth of Cincinnati from a committee appointed to prepare an address to the President of the United States and both branches of the Federal Legislature, expressive of the high sense the Convention entertain of the cheerful and philanthropic manner in which they made provision for the admission of the State into the Union, and expressive of their approbation of the present administration, submitted a report to the Convention.

The result of the consideration of this report was a formal address as follows: "To the President and both Houses of Congress of the United States: The Convention of the State of Ohio, duly appreciating the importance of a free and independent State government, and impressed with sentiments of gratitude to the Congress of the United States for the prompt and decisive measures taken at their last session to enable the people of the Northwestern Territory to emerge from their colonial government and to assume a rank among the sister States, beg leave to take the earliest opportunity of announcing to you this important event. On this occasion the Convention cannot help expressing their unequivocal approbation of the measures pursued by the present administration of the General Government and both Houses of Congress,

in diminishing the public burdens, cultivating peace with all nations, and promoting the happiness and prosperity of our country. Resolved, That the President of this Convention do inclose to the President of the United States, to the President of the Senate, and to the Speaker of the House of Representatives of the United States the foregoing address."

The schedule providing for the election authorized the President of the Convention to issue writs of election to the sheriffs of the several counties, requiring them to proceed to the election of a governor, members of the General Assembly, sheriffs and coroners, at the respective election districts in each county. In this provision the last blow at territorial rule was given. The Convention ignored the Governor and the Territorial Assembly and proceeded on its own motion to create a state government.

After unanimously signing the Constitution the Convention adjourned *sine die* on the evening of Monday, November 29, 1802.

Chapter V.

THE GENESIS OF A STATE

THE people of the Territory at once assumed the duty of organizing the new State. Pursuant to the new Constitution on January 11, 1803, an election was held at which was chosen a Governor, members of the General Assembly, and sheriffs and coroners for the different counties.

Politically the election was one-sided, as the Federalists nominated no one for Governor. The success of the statehood movement resulted in the practical destruction of the Federalist party in Ohio. Those who had opposed statehood were buried in oblivion. Judge Burnet wrote: "My political influence and that of my associates sank into a common grave. We were proscribed, and as soon as the plan of our competitors was consummated, we submitted to our destiny with good grace and withdrew from all participation in the politics of the day." Rarely did they offer a candidate in opposition. So weak and few did they become, that in 1804 at the Presidential election the Federalist party cast only three hundred and sixty-four votes in the whole State for their electoral ticket. The decadence of this party was a positive calamity to the State as future events will prove, for it left no check upon the party in power and the result was a reign of riotous excesses of the worst form of partisanship.

There were urgent demands by the Federalists for St. Clair to be their candidate for Governor, but he refused in a touching address to the people of the Territory. Writing from Cincinnati, December 8, 1802, he said that his private affairs, long sadly neglected and now in hopeless confusion, needed his

attention. "You will be at no loss for a Governor," said he, "many I am told are anxious for the office. The lot I hope and pray may fall upon some person who, with better talents than have fallen to my share, may possess an equal inclination to render you happy —a greater inclination that way no man can possess." The lot fell upon Edward Tiffin. By general consent, and not by any formal nomination, he became the candidate of the Democratic-Republican party. The selection was deserving to him and meritorious to the people. His efforts and influence were largely responsible for the present conditions. To his experience could be added a thorough and practical knowledge of the wants and resources of the future State, with an ambition to supply the one and develop the other.

At the election for Governor, the Federalists either declined to vote, or cast blank ballots. When the returns were afterward made to the Legislature on March 3, it was declared that Tiffin was elected, he having 4,564 votes and no votes being cast against him. It is apparent from this result that nothing like a full vote was cast, and this conclusion is verified from the size of the vote cast for Jeremiah Morrow for Congressman-at-large on June 21, not six months after Tiffin's election. He received as the Republican candidate 5,558 votes, as against 1,960 votes for his Federalist opponent, William McMillan; the total vote on this occasion being 7,518. The light vote for Tiffin was due not so much to a lack of interest in the election, but to the fact that it was practically determined in advance who was to be the Governor.

The organization of the State of Ohio was inaugurated by the assembling, March 1, 1803, of its first Legislature at Chillicothe, which was designated by the Constitution, as the Capital until the year 1808. Nathaniel Massie was elected Speaker of the Senate and Michael Baldwin Speaker of the House of Representatives. The executive and judicial officers of the State were elected by joint ballot of both Houses as follows: Secretary of State, William Creighton, Jr.; Auditor of State, Thomas Gibson; Treasurer of State, William McFarland; Judges of the Supreme Court, Return J. Meigs, Jr., Samuel Huntington and William Sprigg. The judicial system of the State was supplemented by the appointment, in joint session, of three Associate Judges for each county. The salaries of the State officers were fixed as follows: to the Governor, $900.00; to the Judges of the Supreme Court, each $900.00; to the Secretary of State, $700.00 and to the Treasurer of State, $400.00.

John Smith and Thomas Worthington were elected as the first United States Senators. Both were Republicans, and both had been conspicuous in the struggle for statehood, especially Worthington whose efforts in that campaign have been recorded. Both became noted in their Senatorial careers; Smith, rather sensationally and unfortunately by reason of his association with Aaron Burr, and Worthington, because of his having attained a high rank for statesmanship and usefulness to his State.

The State was entitled to but one Representative in Congress, and June 21 was appointed as the day to hold an election for that purpose. Jeremiah Mor-

row, Republican, was elected, He had been selected by the Republican members of the Legislature as that party's candidate, he being at the time a Senator from Hamilton county. He was one of the most sterling of the statesmen of that period; no man of his time was more in the confidence of his fellow-citizens or possessed higher ideals of public duty. His career is an important part of the early history of the State, and whether we consider him as the first Representative in Congress or United States Senator or Governor we must rank him as a man of great ability, integrity and simplicity of life. His whole life was loyal and safe in the line of every public duty. Henry Clay in his speech in the Senate on the Public Lands, June 20, 1824, said of him: "No man in the sphere within which he acted, ever commanded or deserved the explicit confidence of Congress more than Jeremiah Morrow." From 1803 to 1813 when Ohio was entitled to but a single Congressman, Mr. Morrow filled that position.

On March 3, Governor Tiffin appeared before the joint session and took the oath of office. His inaugural address was very brief—occupying not twenty lines in the printed journal— but on the next day he sent his first annual message to the General Assembly. It is a thoughtful and patriotic document dwelling upon the wants, duties and aspirations of the new State and contains numerous recommendations as to legislation. He recommends an enumeration of the white male inhabitants above twenty-one years, urges a revision of the militia laws, a remedy for defective taxation and modification of the marriage

license act. The Legislature in due time acted upon all these subjects from the viewpoint of the Governor.

As in all his official and private writings there is a dominant note of good morals, so there is in this. Closing he says: "'Religion, morality and knowledge, are necessary to all good governments,' says the excellent constitution under which you are convened and to this great truth we must all subscribe. The liberal grants of land made by the United States, for the purpose of erecting and endowing universities and other seminaries of learning, and for the support of religion, are advantages in these respects, superior to those which perhaps any other new country can boast of; to improve those means with advantage, towards the noble ends for which they were given, to preserve the public faith unimpeached, to practice economy in all public expenditures, to impose no taxes upon our citizens, either for State or county purposes, but what are really necessary for their honest wants, to cultivate peace and harmony with our Indian neighbors, and to exemplify both in our public acts and private life, every disposition towards discountenancing idleness and dissipation, and by encouraging industry, frugality, temperance and every moral virtue, are objects of such importance to our rising republic, that they cannot fail if attended to, of producing the best effects in forming for us a national character, which may be the admiration of all. On my part, gentlemen, you may rest assured it shall be no less my honest pride than it is made my constitutional duty, cordially to co-operate with you in every measure your united wisdom and experience may devise for the public good."

The work of the General Assembly was confined to the necessary legislation growing out of the initiative period of the State. Its principal acts related to revenues, reform of the marriage laws, opening and construction of highways, salaries, elections, census, militia and the erection of new counties. Eight new counties were erected at this session—Butler, Columbiana, Franklin, Gallia, Greene, Montgomery, Scioto and Warren. The general character of the laws of this session is to be considered preparatory and temporary. The Territorial laws were to remain in force, provided that they were not inconsistent with the Constitution, until they were repealed by the Legislature. On April 16, 1803, the first session of the General Assembly terminated.

The machinery of the State was now in full operation and its autonomy completely established. Its relation to the Federal government at this time has been the subject of much comment and literature among historical writers. The question, "When was Ohio admitted to the Union?" has been a fruitful query for academic discussion for a century. Whether the inquiry is of value historically or whether Ohio ever was admitted to the Union by formal action of the United States, is doubtful. But the subject is of sufficient value and of such curious uncertainty as to make it worthy of examination.

There have been five different dates contended for by various authorities as the beginning of Ohio's membership in the Union. The first date, April 30, 1802, is adopted by the editor of the "United States' Statutes at Large," Volume I, page 11, in a note to

which he gives the dates of the admission of all the new States up to 1845. He says "Ohio was established as a State of the Union by act of April 30, 1802." Hickey in his work on "The Constitution" gives November 29, 1802; N. C. Towle and others also fix this date. Caleb Atwater in his quaint "History of Ohio" says that February 19, 1803, is the correct date; E. D. Mansfield in his "Political Manual," G. W. Pascal in his "Annotated Constitution" and I. W. Andrews, late President of Marietta College, all contend for this. March 1, 1803, is given by Hildreth in his "History of the United States" as the date of admission; this is adopted by Rufus King in his "Ohio," by Samuel Adams Drake in his "History of the Ohio Valley States," and has been officially recognized as the date of statehood. Salmon P. Chase in his "Preliminary Sketch of Ohio" in his "Statutes," gives March 3, 1803, as the date of admission; Walker in his valuable and scholarly "History of Athens County," says the same. A consideration of each of these dates will show at which one of them Ohio became a full fledged State and a member of the United States.

In this inquiry it is well to bear in mind that there was no formal act of admission by Congress. The first date mentioned, April 30, 1802, is that of the passage of the act enabling the people of the Territory to form a Constitution and state government, and nothing more. It clearly did not create a State. Congress cannot do that, as such power rests solely in the people. In the case of no other State has the date of the enabling act been considered as the date of admission to the Union. That date then can

safely be rejected, as Ohio was not in existence at that time. The second date, November 29, 1802, was the day when the Constitution was signed and the Convention adjourned. Still Ohio was not in existence, no election for State offices was held and Charles Willing Byrd was signing official documents as Acting Governor of the Northwest Territory. On the third date, February 19, 1803, Congress passed an act "to provide for the due execution of the laws of the United States within the State of Ohio." Now while Congress referred to the "State of Ohio," the Federal authority was not distributed over the State nor the judicial officers appointed until March 1, 1803. Therefore this act did not make Ohio a State on February 19, nor was it recognized as such until March 1. This position is fortified by the subsequent action of Congress. When on a question as to payment of salaries to the Territorial officers it directed by an act passed February 21, 1806 that those salaries be allowed and paid until March 1, 1803, and no further; recognizing thereby the termination of the Territorial government on that date.

The fourth date, March 1, 1803, has every argument as well as official sanction, as the day on which Ohio became a State and member of the Union. The new Constitution expressly provided in the third section of the schedule that "the Governor, Secretary and Judges, and all other officers under the territorial government shall continue in the exercise of the duties of their respective departments, until said officers are superseded under the authority of this Constitution." The earliest date that this could occur was the as-

sembling of the Legislature on March 1, 1803, for that body represented the sovereign power of the State. We have seen how Congress also recognized this date as the beginning of Ohio.

After a complete and careful consideration of all the dates herein referred to, the General Assembly when it provided for the celebration of the Centennial of the State of Ohio in 1903 declared by joint resolution passed April 21, 1902, that "on March 1, 1803, the first General Assembly of Ohio met and organized and Ohio thereupon became a State." The conduct and charge of the celebration was placed under the control of the Ohio State Archæological and Historical Society, which also after research and consideration declared the date of March 1, 1803, as the beginning of statehood. This celebration was on May 20 and 21, 1903, because of the inclement weather of March and also because March 1 that year fell on Sunday.

The fifth date of March 3, 1803, was the date of an act of Congress assenting to certain modifications proposed by the Constitutional Convention relating to lands for school purposes. Mr. Chase intimates that this fixes Ohio's date of statehood. But the fact is everything necessary for that fact was consummated before this date. On March 3, the State was in full operation; its Legislature was in session; its Governor was inaugurated and United States Judges and officials were acting in the State. Ohio was then as she was on March 1, a fully equipped State and had taken her place in the sisterhood of the Union. It may therefore be considered as settled from a historical and authoritative standpoint that March 1, 1803, was the date

when the territorial government ceased and when Ohio became a State, and *ipso facto* a member of the United States.

As one of the United States, Ohio soon had an opportunity to express her views on proposed amendments to the Federal Constitution, which came before the Fourth General Assembly in 1805. The first proposition came from Massachusetts, offering an amendment to the Constitution of the United States, "so that the Representatives may be apportioned among the several States, according to the number of their free inhabitants respectively." To this the Legislature would not assent. The reason was indeed worthy and conservative for that period. The Constitution had but recently been formed; many had predicted failure on account of the diversity of interests. The instrument was unquestionably the result of compromise and forbearing on the part of the States. Ohio consequently refused to approve an amendment that would have no other effect but to disturb the relations between the States, and destroy what Gladstone called "the most wonderful work ever struck off by the brain and purpose of man."

At the same session came a proposition from Kentucky. It was an amendment which would take away the jurisdiction of the United States Courts over suits between citizens of different States, and between a citizen and a State. To this also the General Assembly of Ohio refused to give its assent because it said, among other reasons named, "that too frequent alterations of the Constitution of the United States, may tend to unhinge the principles on which it is founded." North

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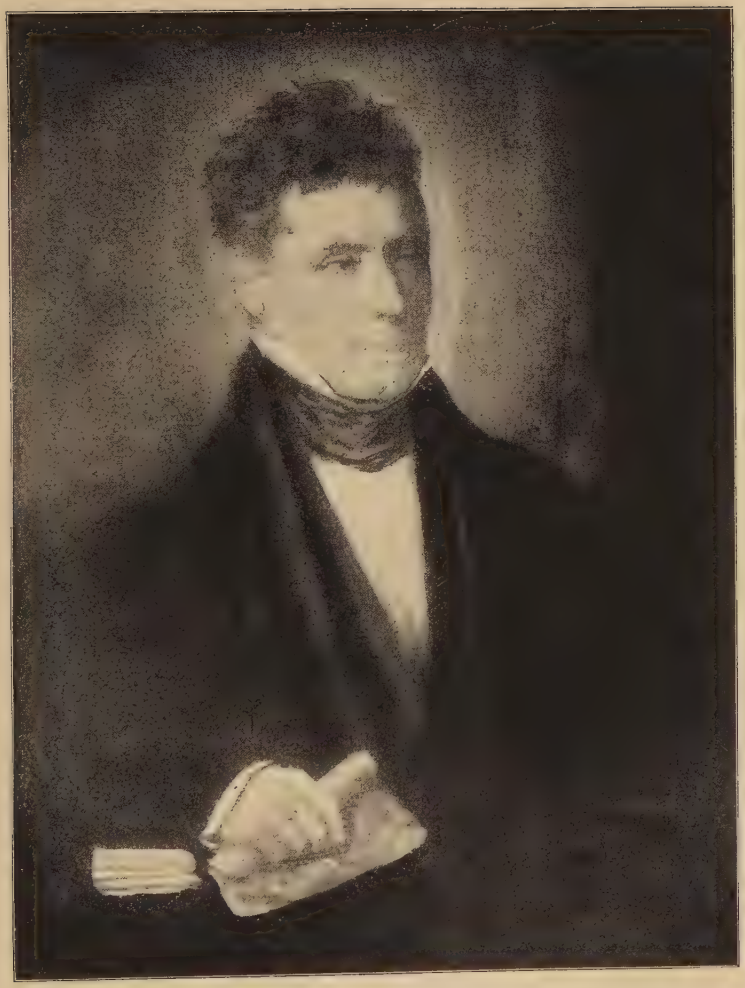

Carolina also proposed a constitutional amendment which was treated in the same manner as those referred to. It was proposed to confer upon Congress immediately, the power of forbidding importation of slaves into the United States. The Federal Constitution in Section 9, Article I, expressly provided that such importation "shall not be prohibited by Congress prior to 1808."

Ohio believed in adhering to the articles as originally adopted; while the resolution of non-concurrence expressly approved the morals of the North Carolina proposition, it dissented from its adoption on the ground of inexpediency. The General Assembly said: "Notwithstanding that this inhuman practice is impolitic in the extreme, and altogether repugnant to the principles on which our government is founded, yet it was the mutual agreement between the States forming the federal compact, that Congress should not possess the power of preventing any of the States then existing from carrying on a trade of this kind for a given period." On all these propositions the Legislature of Ohio acted wisely and in a spirit of fair play and candor with its sister States. It was evident that dearer to her than party, was the perpetuity of the Union which, even at that date, was still an experiment. Ohio was willing to make sacrifices, to forego securing in the National Constitution what she believed to be right rather than to endanger its existence by constant changes.

The first grave trial of the state government came in 1807. This was a serious conflict between the Legislature and the Judiciary, involving the question

of the power of the former, and the jurisdiction and independence of the latter. It attracted the attention of the whole State and was a matter of serious concern to thoughtful minds. Should the courts be allowed to determine whether an act of the Legislature was contrary to the Constitution? If this power rested in the courts did it not make them, as a branch of the state government, superior to, and not co-ordinate with the Legislature? The facts of this controversy and the results form one of the most striking events of the first decade of the State.

In 1805 the act defining the duties of justices of the peace was passed. The question of its constitutionality was before several courts of the State. The court of common pleas, for the third circuit, of which Calvin Pease was president judge, and Judges Huntington and Tod, constituting a majority of the Supreme Court of the State, in different cases, decided, that so much of the law, contained in the fifth section of that act, as gave to justices jurisdiction in cases exceeding twenty dollars, and so much contained in the twenty-ninth section, as prevented plaintiffs from recovering costs in actions commenced by original writ from the courts of common pleas, for amounts between twenty and fifty dollars, was unconstitutional, and therefore void. The principal grounds of these decisions were the seventh amendment to the Constitution of the United States, which ordains, that "in suits at common law, when the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,"

and the eighth section of the eighth article of the State Constitution, which declares that "the right of trial by jury shall be inviolate."

These opinions were received with much opposition by the people of the State. It will be remembered that the Jeffersonian idea of vesting the power of the people in the Legislature was the central idea of the Constitution. Here was a new doctrine that was taking away from the popular branch of the government much of its power. Consequently at the session of 1807-8, a resolution for the impeachment of the obnoxious judges was introduced into the House of Representatives, but was not, at that time acted on. Before the next session Judge Huntington was elected Governor of the State and resigned his seat on the bench. The impeachment, however, was not dropped. Soon after the next Legislature convened, a committee was appointed to inquire into the official conduct of Messrs. Huntington, Tod, and Pease, with leave to exhibit articles of impeachment, or to report otherwise. This committee reported articles against Judges Tod and Pease; but not against Governor Huntington.

The charges against Judge Pease were three: First, that on an appeal from the judgment of a justice of the peace for a sum exceeding twenty dollars, he had as president judge, reversed that judgment, on the ground that the justice had no constitutional jurisdiction of that case. Second, that in an action for a sum between twenty and fifty dollars, commenced by original writ from the court of common pleas, he had allowed the plaintiff his costs of suit, upon his recovering judgment, contrary to the twenty-ninth

section of the justice act, and the fifth section of the act organizing judicial courts. Third, that, sitting as president judge, he had decided, on various occasions, that the court had full power to set aside, suspend, and declare null and void any act of the State Legislature, and that he had suspended, set aside, and declared null and void the fifth section of the act defining the duties of justices. The article against Judge Tod, contained but a single charge; the same, in substance, as the first charge against Judge Pease.

Both the judges were summoned to appear before the Senate, sitting as a High Court of Impeachment. Judge Tod was first tried. In his answer to the charge exhibited against him, he admitted that, in his judicial capacity, he had decided that the fifth section of the act, giving to justices of the peace jurisdiction in cases exceeding twenty dollars, was unconstitutional and void; declared that he still remained of the same opinion; asserted his right and duty to determine cases brought before him as a judge, according to the convictions of his judgment; and vindicated the purity of his motives, and the uprightness of his judicial conduct. The investigation continued for several days, but finally resulted in the acquittal of the respondent.

Judge Pease was next put upon trial. His answer was substantially the same as that of Judge Tod. The result was, that on the first charge he was unanimously acquitted. On the second charge he was acquitted; the vote being for conviction fifteen, for acquittal nine, and the Constitution requiring a concurrence of two-thirds for conviction. The third

charge was decided by the court, by a vote of sixteen to eight, to be insufficient and inadequate to sustain an impeachment.

This, however, did not end the conflict; the question of removing the judges assumed another form. The Constitution fixed the judicial term of office as seven years. That period had elapsed since the first session of the General Assembly and the theory was advanced that a new and general election of judges should be held. In this way those judges who had been elected to fill vacancies could only fill out the residue of the original term of seven years, and not a whole term. This gave the Legislature the opportunity to fill the judicial offices with new men of their own liking.

The opponents of this doctrine claimed that it was opposed to the Constitution, and that it was violent and revolutionary. They contended that every judge elected to fill a vacancy was elected for seven years and entitled to serve that period unless constitutionally removed. To support this construction reference was made to the law regulating commissions, by which it was shown that it was the practice to commission newly elected judges for a full term.

On January 18, 1810, the General Assembly passed a resolution adopting the construction first recited here, and extending the principle to the Secretary of State, Treasurer of State and Auditor of State. The resolution in effect declared all the judicial offices vacant, and the Legislature proceeded to elect Judges of the Supreme Court, the State executive officers, and judges of the court of common pleas. Thus, by a single resolution, the General Assembly swept

out of office every judicial and executive officer of the State; at the same session legislation was passed vacating the office of every justice of the peace, and providing for the election of their successors.

Such was the effect of the "Sweeping Resolutions," as they were called in the political parlance of the time, that the whole State was thrown into confusion. Some of the judges thought the construction of the Constitution wrong, and refused to acknowledge the change. Others who held unexpired commissions and had been again elected, refused to accept their new commissions, and claimed their seats under the old ones. The administration of justice was delayed; respect for the law was lessened; and the whole effect of the political intrigues against the judiciary was bad.

The most serious, at the same time the most scandalous of these proceedings was the attempt to intimidate the judiciary by impeachment. Even at this late day one wonders how partisanship could be so lawless as to select such a weapon. The question plainly stated was this: the Federal Constitution guaranteed trial by jury in suits involving over twenty dollars; the Ohio Legislature said there should be no jury unless the amount involved over fifty dollars. The court decided the legislative act unconstitutional and void. This was not an intricate nor complicated legal situation; the duty of the court was plain.

The right and power of the judiciary to declare void legislation repugnant to the Constitution was established by the United States Supreme Court in 1803, five years before these impeachment proceedings. Chief Justice Marshall in Marbury vs. Madison,

(1 Cranch, 137) in a learned and masterly decision established by his inexorable logic and profound reasoning the power of the courts on this question. In his decision he said: "It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.

"So if a law be in opposition to the Constitution; if both the law and the Constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law, the court must decide which of these conflicting rules governs the case. This is of the very essence of judicial duty.

"If, then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of Legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply."

Applying this principle to concrete examples he made it so plain that even laymen could see the irresistible force of his reasoning. He gave the following examples: "It is declared that 'no tax or duty shall be laid on articles exported from any State.' Suppose a duty on the export of cotton, of tobacco, or of flour; and a suit instituted to recover it. Ought judgment to be rendered in such a case? Ought the judges to close their eyes on the Constitution, and only see the law?

"The Constitution declares 'that no bill of attainder or ex post facto law shall be passed.'

"If, however, such a bill should be passed, and a person should be prosecuted under it, must the court condemn to death those victims whom the Constitution endeavors to preserve?

"'No person,' says the Constitution, 'shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.'

"Here the language of the Constitution is addressed especially to the courts. It prescribes, directly for them, a rule of evidence not to be departed from. If the Legislature should change that rule, and declare one witness, or a confession out of court, sufficient for conviction, must the constitutional principle yield to the legislative act?

"From these, and many other selections which might be made, it is apparent that the framers of the Constitution contemplated that instrument as a rule for the government of courts, as well as of the Legislature."

Alexander Hamilton in the Federalist, No. 78, had this principle in mind when he wrote thus: "The interpretation of the laws is the proper and peculiar province of the courts. A Constitution is, in fact, and must be regarded by the judges as a fundamental law. It must therefore belong to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred: in other words, the Constitution ought to be preferred to the statutes, the intention of the people to the intention of their agents."

In passing from this subject it may be remarked that the principle that courts have authority to pass upon the validity of legislation, had been asserted in at least five States before the adoption of the Federal Constitution, viz.: in New Jersey in 1780; in Virginia, in 1782; in New York in 1784; in Rhode Island in 1786; and in North Carolina in 1787.

The motive that actuated the Ohio Legislature to impeach the judges was of course resultant from the spirit of democracy that was prevalent at that period. It was simply the recurrence of the dominant note of Jefferson's doctrine of popular powers included in the doctrine of States' rights. The Legislature represented the people, and the people were supreme. To limit their passions, prejudices or partisanship, as was the purpose of the Constitution, infuriated the popular body, and they transcended their power in their punishment.

The State election of 1807 resulted in what is one of the most interesting situations of the period. Nathaniel Massie and Return J. Meigs, Jr., were rival candidates for the Governorship. The election was contested before the Legislature; it is the only instance of such a contest in the history of the State and deserves more than passing mention. Nathaniel Massie as the past record shows was a man of great importance in the founding of Ohio. He was one of the first pioneers, and had done much for statehood. He was prominent politically and had in Southern Ohio a strong following; an ardent supporter of the Democratic-Republican party he was easily a man of gubernatorial rank. He belonged to the Virginia contingent

that did so much to start the State in its march of progress.

Return J. Meigs, Jr., his opponent, was a New Englander, born in Connecticut, a pioneer of Marietta and one of the foremost of that distinguished colony. He was originally a Federalist, but in the question of statehood he acted with the opposite party, and finally became as radical a Republican as Massie. The struggle for the election was strictly on the personal merits of the candidates, as both were of the same political party. The unofficial returns showed that Meigs received 6,050 votes to 4,757 for Massie. When these were canvassed by the General Assembly the returns from the counties of Trumbull, Geauga, Greene, Athens, Champaign, Ross, Belmont, Highland, Washington and Adams were rejected for irregularities. The residue of the returns showed Meigs to have received 3,299 votes and Massie 2,317, and the committee to whom the returns had been referred declared Meigs elected by a majority of 982.

After a service of notice of contest by Massie upon Meigs, the hearing as to who was elected was entered upon by the House and Senate sitting in joint session. In formal and legal terms Massie set up the following reasons why Meigs was ineligible to be Governor of Ohio:

1. That Meigs did not possess the qualifications necessary to hold the office of Governor, inasmuch as he had not been a resident of this State for four years next preceding the day of election.

2. That within four years preceding the election he had been a resident of the Territory of Louisiana,

and there exercised the office and powers of a United States Judge.

3. That he now holds an office under the Government of the United States.

4. That on the second of April last past he was appointed a Territorial Judge for Michigan.

Mr. Meigs' reply consisted of the following statement which was accepted as true:

1. That he went to Louisiana and Missouri in December, 1804, and remained until August, 1806, when he returned to Ohio, and again returned to Louisiana where he remained a few months, his entire residence being eight months and in Missouri three and one-half months. During all this time he was on colonial business for the United States Government and for the State of Ohio, and regarded this State, where his family resided, to-wit, at Marietta, as his place of residence.

2. That during the preceding session he had been commissioned by the Governor of Ohio to an important office in connection with the Burr-Blennerhassett conspiracy, thus recognizing his citizenship, as well as reposing other State trusts in him.

3. That he had been appointed Territorial Judge for Michigan, but had never assumed the duties of the office in consequence of being summoned to Richmond to appear in the Burr trial.

4. That he is and has been a resident of Ohio for thirteen years last past.

After a full hearing before the joint session of both Houses of the General Assembly it was declared by a vote of 24 yeas to 20 nays that, "Return J. Meigs,

Jr., is not eligible to the office of Governor." Massie, it must be understood, did not claim the office and the legislative records show that this phase was not even considered. This action made the office vacant and Thomas Kirker, Speaker of the Senate, became Acting-Governor. As a matter of fact, Kirker was performing both the duties of Acting-Governor and Speaker of the Senate at the time of the declaration of Meigs' ineligibility; for when Edward Tiffin resigned the governorship March 3, 1807, to become United States Senator, Kirker became Acting-Governor, and continued to act as such before and through the Massie-Meigs contest, and until his successor Samuel Huntington was inaugurated December 12, 1808.

The second Governor, Thomas Kirker, was one of the pioneers of Southern Ohio. He was born in the County of Tyrone, Ireland, in 1760. At the age of nineteen he came to America and settled at Lancaster, Pennsylvania. In 1792 he moved to Manchester, Adams county, Ohio, the first town laid out by Nathaniel Massie. He and Massie became fast personal and political friends. Indeed the movement to contest Meigs' election was done really to advance Massie's friend. Thomas Kirker was not a brilliant man, but he played a strong part in the early history of the State. He was elected to the first General Assembly, and served as Senator from 1803 to 1815; he was afterwards elected Representative in 1816 and was made Speaker. From 1821 to 1825 he served as Senator. He was a conscientious member of the Presbyterian Church at West Union, Ohio, and served as an elder for twenty years. He died February 19, 1837.

Before Governor Tiffin's second term ended he was elected on January 1, 1807 to be United States Senator to succeed his brother-in-law Thomas Worthington. Tiffin's administration as Governor had been distinguished by a successful direction of public affairs. Through his messages and official documents he was constantly urging advances in education, morals, material development and reforms. He was always holding before the people the marvelous advancement of the State and pressing for improvements adequate to the progression. The most important event of his administration, concerning which he acted with decisive promptness, was in connection with Aaron Burr, the details of which will be passed for consideration hereafter.

One of the favorite arguments of those urging state government was that it would promote immigration and otherwise tend to develop the State. This proved to be true for we find during its first seven years a wonderful increase in population. This was a period of marvelous advancement. The year 1810 found the population of the State to be 230,760, an astonishing increase of more than 400 per cent. over that of 1800. The immigration was constant, healthy and valuable. The establishment of eighteen new counties within this time, shows that the newly added element to Ohio's population was scattering itself all over the State, for those counties were in the southern, central and northern portions. Out of the wilderness came wealth, and we find that in 1810 the taxable property was valued at $25,000,000. The mineral resources of the State became known in this period.

The first blast furnace was operated in 1808 in Mahoning county, and coal was first mined in 1810 in Summit county. Thus two of the greatest factors in the growth and importance of the State were contemporaneous in their development.

The towns throughout the State continued to increase both in number and population. It may seem strange, but up to 1810 but comparatively few towns were incorporated in Ohio. These were Lancaster, Dayton and Steubenville in 1805; St. Clairsville in 1807, Springfield in 1808, and Hamilton and Lebanon in 1810. There were quite a number of other towns but they had no legal existence. Cincinnati Marietta, Chillicothe, and a dozen other places were still settlements.

Cincinnati then ranked first in importance and size. In 1805 it consisted of fifty-three log cabins, one hundred and nine frame buildings, six brick and four stone houses. In 1810 its population had increased to 2,320. In the northern part of the State, Cleveland was the principal point, although it was still a small settlement, having at this time but three hundred inhabitants. Steubenville was the principal town in southeastern Ohio at this period. Marietta and Chillicothe both maintained their importance in every respect. The scarcity of towns and their slow growth is due principally to the fact that the greater portion of the population of the State was devoted to agriculture, and lived upon the farms beyond the reach and influences of the thickly settled towns.

GOVERNOR DUNCAN McARTHUR

From a painting by T. W. Hoffman, after Thomas Sully in the Capitol at Columbus.

Born in Dutchess County, New York, January 14, 1772; served in the General Harmar campaign, 1790; served in the House of Representatives in 1805; served in the War of 1812 and made brigadier general; elected to the Thirteenth and Eighteenth Congresses; was Governor 1831-1832; died at Chillicothe, April 28, 1840.

The purchase of Louisiana by the United States in 1803 was one of the most beneficial events to Ohio that happened in the first era of her history. It opened an unrestricted and valuable territory to her commerce that she had never wholly enjoyed. As a result of this purchase, more than a million square miles of territory were added to the United States, a new market, free and uncontrolled, was furnished to the people of Ohio. The Mississippi River became an open channel of trade that brought the richest returns by increasing the wealth and traffic of the State.

Ohio in its earliest stage was purely an agricultural State. The greatest difficulty confronted was lack of transportation, and it necessarily checked an increase of prosperity. While the population grew, times were hard. The nearest market was New Orleans and it took six months to make a round trip on flatboats and keel-boats. The Ohio River was the only outlet of the new State to the market. The result was that the value of a cargo was eaten up in its transportation. This can be readily seen when we find that corn and oats brought but eight or ten cents a bushel, wheat from thirty to forty cents, and beef and pork sold at a dollar and a half a hundred pounds. The market was distinctively domestic, and while Ohio was a fertile garden it produced no profit to the farmer. Agriculture furnished an independent livelihood but it was not the path to ease or competency.

This stagnant condition of agricultural commerce was remedied in a remarkable degree by the incorporation and organization in 1803 of "The Miami Exporting Company." Its primary purpose was to

reduce the difficulty and expense of transportation to New Orleans, although its charter also contained banking powers. The effect of its operation was immediate and of great benefit to Ohio farmers. This improvement was brought about by the introduction by this company of sail barges carrying from fifty to one hundred tons and under the best conditions making two round trips to New Orleans yearly. The first effect of this transportation was to reduce the cost of freight to five or six dollars per hundred pounds. The expense of operating these barges was no more than that of keel-boats, but the cargoes were greatly increased and the freight cost proportionately decreased. This mode of navigating, due to combined capital, established an epoch in the commerce on the Ohio and Mississippi rivers and did much to promote the commercial and agricultural interests of the State. Trade under these conditions received an impetus that trebled in 1809-10 the exports of Ohio.

The subject of education in the new State received the most assiduous attention contemporary with its creation. This is evidenced by the educational compacts early entered into between Ohio and the Federal Government. They formed the basis of a trust that for more than a century has formed the fund from which the common schools of the State are supported. When the organization of Ohio was authorized by the act of April 30, 1802, Congress provided therein "that the section number sixteen, in every township, and where such sections had been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to such township for the use of schools."

This proposition was accepted by the Constitutional Convention, but with this important condition: "Provided, the following addition to, and modification of, the said propositions shall be agreed to by the Congress of the United States, namely: that, in addition to the first propositions securing the said section number sixteen, in every township within certain tracts, to the inhabitants thereof, for the use of schools, a like donation equal to the one-thirty-sixth part of the amount of the lands in the United States Military Tract, shall be made for the support of schools in that tract; and that the like provision shall be made for the support of schools in the Virginia Reservation, so far as the unlocated lands in that tract will supply the provision aforesaid, after the warrants issued from said State have been satisfied; and, also, that a donation of the same kind, or such provision as Congress shall deem expedient, shall be made to the inhabitants of the Connecticut Reserve; that of all the lands which may hereafter be purchased of the Indian tribes, by the United States, and lying within the State of Ohio, the one-thirty-sixth part shall be given, as aforesaid, for the support of public schools; that all lands before mentioned, to be appropriated by the United States, for the support of schools, shall be vested in the Legislature of said State, in trust for said purpose."

Congress, by act of March 3, 1803, assented, enacting (section 1,) that the tracts therein described were "appropriated for the use of schools in the State, and shall, together with all the tracts of land heretofore appropriated for that purpose, be vested in the Legislature of the State, in trust, for the use aforesaid, and

for no other use, intent, or purpose whatever." The same section proceeds to grant eighteen quarter townships, or one-thirty-sixth of the lands in the United States Military District, "for the use of schools within the same"; secondly, fourteen quarter townships, also situated in the United States Military District, "for the use of schools in that tract commonly called the Connecticut Reserve"; thirdly, "so much of the Virginia Military Reservation, to be selected by the Ohio Legislature from unlocated lands therein, as would amount to one-thirty-sixth of the whole tract"; and, fourthly (which is the last clause of the first section), "one-thirty-sixth part of all the lands of the United States lying in the State of Ohio, to which the Indian title is not extinguished, which may hereafter be purchased of the Indian tribes by the United States, which thirty-sixth part shall consist of section sixteen, in each township, if the same shall be surveyed in townships of six miles square; and shall, if the lands be surveyed in a different manner, be designated by lots." The second section declared, "that the several appropriations for schools, made by the preceding section," were "in conformity to, and in consideration of, the conditions agreed on by the State of Ohio by the ordinance [Constitution] of the Convention of the State, bearing date the 29th day of November, 1802."

This legislation produced a munificent land foundation for the maintenance of common schools, amounting to approximately 704,000 acres. As Ohio was the first State which came into possession of lands for educational purposes, she had no precedent for

experience or management. Consequently there was much waste and maladministration relating to the school lands, in the early history of the State. At first these lands were leased and much scandal and loss to the State resulted therefrom. In 1827 they were authorized to be sold and the money was turned into the Treasury. The State in turn borrowed these funds paying six per cent. interest for their use.

The Constitution of 1851 provided that the funds arising from the sale of school lands should be "forever preserved inviolate and undiminished and the income arising therefrom should be faithfully applied to the specific objects of the original grants or appropriations." The result is that the State has borrowed all the proceeds that have arisen from the sale of school lands, and that debt constitutes what is known as the "irreducible State debt" on which the State pays six per cent. annually to the school fund. This annual interest yielded an income to the common schools in 1910 of $253,965.66.

Thus, through the wisdom of the pioneer legislators and the generosity of the Federal Government, a perpetual and unfailing source-fund was created for the common schools of Ohio. At the time there was no system of public education established, notwithstanding that it was especially enjoined in the Constitution. But the idea was in the minds of the statesmen of that period, and they laid such a foundation for the structure, that future generations may well rise up and testify to their prudence and foresight.

Higher education secured a substantial start by the establishment of the Ohio University at Athens in

1804, and the Miami University at Oxford in 1809. The former had been originally chartered by the Territorial Legislature but there is no evidence of any organization under the act of 1802, so its legal origin may be dated from its second charter, February 18, 1804. Two townships of land were given as an endowment by its act of incorporation. Ohio University may be noted as the first college in the United States founded upon a land endowment, and also of being the first college established in Ohio. Miami University was established by an act of the General Assembly February 17, 1809. A complete township of land in the Symmes Purchase was an original grant by the government "for the purpose of establishing an academy and other public schools and seminaries of learning." This grant was located, afterwards outside of, but contiguous to, the Symmes Purchase, and it became the endowment of the Miami University.

There being no system of common schools yet established, during this period—from 1803 to 1810—the only means of popular education was through schools maintained by private means. The Constitution of 1802 provided for the establishment of academies by corporations of individuals. In many places these were started, and they furnished the only means of education at that period. They were productive of great good and many of the ablest men of the succeeding generation looked back to these modest founts of learning with pride and affection. These institutions, more than any one cause, are responsible for the movement towards common schools, which a decade after took tangible form.

These academies and private schools, sometimes incorporated as "Literary Societies," were numerous over the State for the times and conditions. During the first seven years of statehood the Legislature granted charters to the following: the Erie Literary Society, in Trumbull county (then constituting all of the Connecticut Reserve), the Granville Alexandrian Society, the Cincinnati University, the Worthington Academy, the Chillicothe Academy, the New Lisbon Academy, the Steubenville Academy and the Gallia Academy at Gallipolis. From this list it can be seen that the sentiment for public education in Ohio was strong even in its early days, and the inability of the State in its first period to furnish schools for its youth did not prevent private enterprise from doing so.

Secondary only to the educational progress was the early and increasing development of the newspaper press. Commencing in the days of territorial government at Cincinnati, then on the western frontier of American civilization, the Ohio newspaper continued its growth, until in 1810 we find a creditable and widespread list throughout the State. As an essential and influential factor of a people's history, the origin and growth of the press of that time forms a useful and instructive study.

The first newspaper published in the Northwest Territory was edited by William Maxwell. This was *The Centinel of the North-Western Territory*, the first number of which appeared November 9, 1793. It was a four page three column sheet, in small quarto form, the type of each page occupying a space eight

and one-half by ten and one-fourth inches. The motto at the head of the paper was, "Open to all parties—but influenced by none," and it can be truthfully said that during its existence this dedication was faithfully adhered to. In the summer of 1796, William Maxwell, who had been appointed post-master at Cincinnati sold *The Centinel of the North-Western Territory* to Edmund Freeman who changed the name to *Freeman's Journal*. In 1800 it was moved to Chillicothe, the new capital of the Territory. *Freeman's Journal* was published for a time in Chillicothe, where the editor died. In *The Scioto Gazette* of October 19, 1801, appears a notice by S. Freeman, administrator, relative to the death of Edmund Freeman, printer, late of Chillicothe, deceased. Nathaniel Willis, editor of *The Scioto Gazette*, purchased the outfit of *Freeman's Journal* in October, 1801. It was therefore merged into *The Scioto Gazette*, which continues under that name to the present day, and may be regarded as the continuation of the first newspaper established in the old Northwest.

The second paper of the Northwestern Territory was *The Western Spy and Hamilton Gazette*. Its first issue bears date of May 28, 1799. It was edited and published in Cincinnati by Joseph Carpenter, who came west from Massachusetts. In the summer of 1806, the name of the paper was changed to *Western Spy and Miami Gazette*. It was later changed to *The Whig*. After continuing about one year, it was changed to *The Advertiser*, and suspended soon afterward. In September, 1810, Mr. Carpenter brought forth the new *Western Spy*, which continued under that name

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THE

CENTINEL of the *North-Western* TERRITORY.

Open to all parties—but influenced by none.

(Vol. I.) SATURDAY, *November* 9, 1793. (Num. 1.)

The *Printer* of the CENTINEL of the *North-Western* TERRITORY, to the *Public*.

HAVING arrived at *Cincinnati*, he has applied himself to that which has been the principal object of his removal to this country, the Publication of a *News-Paper*.

This country is in its infancy, and the inhabitants are daily exposed to an enemy who, not content with taking away the lives of men in the field, have swept away whole families, and burnt their habitations. We are well aware that the want of a regular and certain trade down the Mississippi, deprives this country in a great measure, of money at the present time. These are discouragements, nevertheless I am led to believe the people of this country are disposed to promote science, and have the fullest assurance that the *Press* from its known utility will receive proper encouragement. And on my part am content with small gains, at the present, flattering myself that from at-

men of public spirit will consider the undertaking as a proper object of attention, and not consult merely their own personal interest, but the interest of the public and the coming time.

The MONK.

CALAIS.

A POOR monk of the order of St. Francis came into the room to beg something for his convent, No man cares to have his virtues the sport of contingencies- or one man may be generous, as another man is puissant—*sed non, quo ad hanc*—or be as it may—for there is no regular reasoning upon the ebbs and flows of our humours; they may depend upon the same causes, for ought I know, which influence the tides themselves—'twould oft be no discredit to us suppose it was so; I'm sure at least for myself, that in many a case I should be more highly satisfied, to have it said by

The rest of his outline may be given in a few strokes; one might put it into the hands of any one to design, for 'twas neither elegant nor otherwise, but as character and expression made it so: it was a thin, spare form, something above the common size, if it lost not the distinction by a bend forwards in the figure—but it was the attitude of entreaty; and as it now stands presented to my imagination, it gained more than it lost by it.

When he had enter'd the room three paces, he stood still; and laying his left hand upon his breast, (a slender white staff with which he journey'd being in his right)—when I had got close up to him, he introduced himself with the little story of the wants of his convent, and the poverty of his order—and did it with so simple a grace—and such an air of deprecation was there in the whole cast of his look and figure—I was bewitched not to have been struck with it——

—A better reason was, I had predetermined not to give him a single sous.

——'Tis very true, said I, replying [illegible] cast towards with [illegible], with whi[illegible]

to January 9, 1819, when it appears as the *Western Spy and Cincinnati General Advertiser*. On April 29, 1820, it united with the *Literary Cadet* and became the *Western Spy and Literary Cadet*. The name was again changed January 1, 1823, to *The National Republican and Ohio Political Register*. Subsequently it became, January 3, 1830, the *National Republican and Cincinnati Daily Mercantile Advertiser*. The name was further modified July 11, 1833, to the *Cincinnati Republican and Commercial Register*.

The third paper published in the Northwest Territory was *The Scioto Gazette*, first issued in Chillicothe, April 25, 1800. There is a tradition of a *Scioto Gazette* printed at an earlier date, but it seems to be tradition only. If such a paper was published, it suspended and began anew on the date here given. As we have seen, it absorbed the *Freeman's Journal* in 1801. It was first published by Nathaniel Willis, who was born in Boston, February 7, 1755, was a member of the Boston Tea Party, and, at one time an apprentice under Benjamin Franklin. He was also the grandfather of the poet, N. P. Willis. He was editor until 1807, when he retired to his farm, where he died April 1, 1831. *The Scioto Gazette*, in August, 1815, absorbed the *Fredonian* and continued as *The Scioto Gazette and Fredonian Chronicle*. In March, 1821, the *Gazette* united with the *Supporter*, under the name of *The Supporter and Scioto Gazette*. With volume 101, number 1, April 28, 1900, it resumed its natal name, *The Scioto Gazette*.

In 1801, Wyllys Silliman and Elijah Backus bought printers' materials in Philadelphia and, on December 7,

of that year, published in Marietta the first issue of the *Ohio Gazette and the Territorial and Virginia Herald.* This was the fourth paper published in the Northwest Territory. In 1805 the name was changed to *Ohio Gazette and Virginia Herald.* In 1810 the paper failed and was sold by the sheriff. In October of the same year the *Western Spectator* took its place. This in time was sold to the proprietor of the *American Friend,* first issued April 24, 1813. Ten years later the name was changed to *American Friend and Marietta Gazette.* In 1842 the paper was merged into *The Intelligencer.* In 1862 it was sold to R. M. Stimson who changed the name to *Marietta Register.*

These papers were all started under the government of the Northwest Territory and they had much to do in their localities in fixing the politics of the time, and in bringing about statehood.

The year 1810 found Ohio well supplied with newspapers. They were published at nine different towns in the State and furnished the population, which was mostly in the southern and eastern portions, with a weekly compilation of foreign, national and State news. At this period there were sixteen newspapers in Ohio. In addition to *The Scioto Gazette, The Supporter,* the *Ohio Gazette and Virginia Herald* and *The Whig,* of which mention has already been made, there were twelve others. At Chillicothe were *The Fredonian,* founded by R. D. Richardson, and *The Independent Republican* by Peter Parcels; at St Clairsville was the *Impartial Expositor. Liberty Hall,* at first called *Liberty Hall and Cincinnati Mercury,* established by Rev. John W. Browne, December 4, 1804, and *The*

Advertiser, which suspended after a short life, were both published at Cincinnati. *The Western Star* at Lebanon edited by John McLean, and *The Western Herald* at Steubenville by Lowry and Miller, were both established in 1806. *The Commentator* of Marietta was founded by Dunham and Gardner in 1807, and *The Ohio Patriot* by William D. Lepper in 1808 at New Lisbon. The *Ohio Centinel*, of Dayton, was established by Isaac G. Burnett in 1810. And in the same year at Zanesville was first published the *Muskingum Express* by J. H. Putnam and Co., and the *Muskingum Messenger* by White and Sawyer.

These pioneer newspapers exercised great influence in their day. They were edited with conscientious intelligence, and divided with the statesmen of the period great power in politics. The majority of them were Democratic-Republican in the issues of the time, and the dominancy of that party in Ohio during the early part of the nineteenth century can be ascribed very largely to them. They were literally the moulders of public opinion, and their weekly visits and declarations were anxiously expected by the subscriber to advise him of the way he should think and act. The editor was usually a man of larger intelligence than his constituency, and his opinions exercised an individual influence which the newspaper of today does not have.

Up to 1810 nothing had been done toward developing literature in Ohio. The pioneer age is not conducive to that. The publications for the West had been produced entirely at Lexington and Frankfort, Kentucky. At these points there was a decided

literary atmosphere and valuable contributions to scholarship and literature had been published even at this early day. But Ohio was at the beginning of its book making. The first book published in the Northwest Territory was "Maxwell's Code," an octavo of two hundred and twenty-five pages entitled, "Laws of the Territory Northwest of the Ohio, adopted and made by the Governor and Judges, in their legislative capacity, at a session begun on Friday the XXIX day of May, one thousand seven hundred and ninety-five, and ending on Tuesday the 25th day of August following, with an Appendix of Resolutions and the Ordinance for Government of the Territory. By authority. Cincinnati: Printed by W. Maxwell, 1796." These yearly volumes of the laws, first printed at Cincinnati and afterward at Chillicothe, were the earliest publications printed in Ohio.

Almanacs were published in Cincinnati by William McFarland in 1805; by Carney and Morgan in 1809, and by John W. Browne & Co. at the *Liberty Hall* office in 1810. One of the first books published in Cincinnati by David E. Carney in 1807, was "The Trial of Charles Vattier, convicted of the Crimes of Burglary and Larceny, for stealing from the Office of Receiver of Public Works for the District of Cincinnati." Dr. Daniel Drake's "Notices Concerning Cincinnati, Its Topography, Climate and Diseases," which is now a work of great rarity and literally worth its weight in gold, was printed by John W. Browne in 1810.

This work was the first fruit of literary and scientific culture in Ohio. The personal knowledge of Dr.

FACSIMILE OF THE TITLE PAGE OF THE FIRST BOOK PUBLISHED IN THE NORTHWEST TERRITORY

From the original in possession of Judge David F. Pugh, Columbus, Ohio.

PRINCIPLES OF THE TITLE PAGE OF THE FIRST
BOOK PUBLISHED IN THE NORTHWEST
TERRITORY

From the original in possession of Judge David R. Tilton,
Columbus, Ohio.

LAWS

OF THE

TERRITORY *OF THE* UNITED STATES

NORTH-WEST *OF THE* OHIO

Adopted and made by the GOVERNOUR *and* JUDGES, *in their Legiſlative Capacity, at a Seſſion begun on Friday, the* XXIX *day of May, one thouſand, eleven hundred and ninety-five, and ending on Tueſday the twenty fifth day of Auguſt following.*

WITH AN

APPENDIX

OF

RESOLUTIONS

AND THE

ORDINANCE

FOR THE GOVERNMENT OF THE

TERRITORY.

By Authority.

CINCINNATI:
PRINTED BY *W. MAXWELL.*
M, DCC, XCVI.

Drake, of Cincinnati and the surrounding country, supplemented by his study of botany, geology, antiquities and meteorology, his readings of scientific travelers in America, his practice of medicine and his social communion with the pioneers gave this work an original value. That part of it which relates to the Natural History and Antiquities of the Miami country still remains the best account we have of them. The features and productions of nature, as he depicted them are still the same, although clothed with the garb of civilization, thereby testifying to the accuracy of his writings.

Among the earliest literary productions of this period are the publications of the Shakers. Richard McNemar in 1807 published his "Kentucky Revival," which furnished a reliable account of that great spiritual movement, and also the history of Shakerism in the West and its work among the Indians. It was printed in Cincinnati. In 1808 was published at Lebanon, Ohio, "Christ's Second Appearing"—the first, greatest and most authentic theological work of Shakerism. It was written by Benjamin Seth Youngs and was printed by John McLean, afterward a Justice of the Supreme Court of the United States. It passed through four editions, the last printed in 1856, and has been called the Shakers' Bible. The next publication of this sect was in 1810, and is entitled "Transactions of the Ohio Mob"; it relates to the mob against the Shakers which gathered at Union Village August 27, 1810. It is in pamphlet form and is now exceedingly scarce.

The brief period in the life of the young State which has thus far been recorded, saw its foundations securely laid. It saw the beginnings of its commerce, its agriculture, its education and its literature. This was all done under conditions which were the most distressful in the history of the State. The scarcity of money, the absence of markets and the isolation of its people brought on a most discouraging situation. But in the face of all such obstacles, these pioneers forced the State forward. The year 1810 closed with Ohio occupying a position of prominence in the Union. When she entered the sisterhood of States she was the eighteenth in rank in population; since then, she had become the thirteenth. In value of domestic imports she was the fifteenth and in manufactures, the sixteenth; the census of 1810 showing that no less than 10,586 looms were in operation in Ohio.

The temporary location of the State Capital at Chillicothe expired under the constitution in 1808. There was a pronounced feeling of dissatisfaction as to its continuance at that place. Knowing this, the citizens of Zanesville petitioned for its removal to their town, and upon assurance being given the Legislature that the State would not be put to any expense, the Legislature removed the seat of the state government to that place in 1810. It remained here for two years.

The election for Governor in 1808 was an exciting and bitter contest. Politically speaking, these first years of the State were stormy ones. The events before recorded, such as the legislative assault on the judiciary, the ousting of the State officers under the

"sweeping resolution," and the removal of the capital to Zanesville were all issues that gave rise to acrimonious discussion both on the public rostrum and in the press. The situation developed three candidates for Governor, all of them being Democratic-Republicans, the Federalist party apparently having no political life.

These candidates were Thomas Kirker, the acting Governor, Thomas Worthington, who had completed his term as one of the first United States Senators from Ohio, and Samuel Huntington, one of the Judges of the Supreme Court, and against whom at the time impeachment proceedings were pending. The election was not conducted upon political or partisan lines, but rather upon the personal relationship of the candidates to the people of the State. The result of the poll was that Samuel Huntington received 7,293 votes, Thomas Worthington 5,601, and Thomas Kirker 3,397.

Samuel Huntington, the third Governor of Ohio, was born in Coventry, Connecticut, October 4, 1765; he was adopted and educated by his uncle, Samuel Huntington, one of the signers of the Declaration of Independence, and Governor of Connecticut from 1786 to 1796. The younger Huntington removed to Cleveland in 1801 and to Painesville in 1805. He was a graduate of Yale in the class of 1785, and had traveled much abroad. He represented in Ohio politics the dying Federalist party but he acted with the Jeffersonian Democracy because there was no other party organization; he was all his life the leading character of the Western Reserve. He was a member of the Constitutional Convention from Trumbull County,

and served as State Senator, Judge of the Supreme Court and Governor. He afterwards (1811-12) served as Representative from Ashtabula and Cuyahoga counties in the General Assembly. During the War of 1812 Governor Huntington with General Lewis Cass visited Washington to secure funds for the defense of Ohio, and it was through their efforts that sufficient military spirit was aroused to defend the lake region. He served as Paymaster in the Army with the rank of Colonel until peace was declared. He died at Painesville, Ohio, June 18, 1817, leaving behind him a reputation for accomplished scholarship, pronounced executive ability and acknowledged integrity.

The most far-reaching and important event of this period, and one which exercised the greatest beneficent results to Ohio in this era occurred in 1811. This was the construction, and the departure from Pittsburg, of the steamboat "New Orleans." It opened up a future of almost illimitable growth to the State which soon started and progressed with unexampled rapidity. It verified in a superlative degree Lord Macauley's declaration: "Of all the inventions, the alphabet and the printing press alone excepted, those inventions which abridge distance have done most for the civilization of our species."

Robert Fulton, aided by Chancellor Livingston, had demonstrated the supremacy of steam on the Hudson, and they turned westward for new triumphs. For this purpose the Ohio Steamboat Navigation Company was incorporated December 10, 1810 for the purpose of operating steamboats on the Western waters under the Fulton-Livingston patents. The incorporators,

all distinguished citizens of New York, were Daniel D. Tompkins, Robert R. Livingston, DeWitt Clinton, Robert Fulton, and Nicholas J. Roosevelt.

No more distinguished set of promoters ever signed incorporation papers or assumed the chances of a new venture than these men. Daniel D. Tompkins had been Governor of New York six years, and afterward served two terms as Vice President of the United States. Robert R. Livingston was one of the Committee of Five chosen to draft the Declaration of Independence, and as Chancellor of New York he administered the oath of office to George Washington on his inauguration as first President. He was Minister to France, enjoying the confidence of Napoleon Bonaparte to such an extent that he successfully accomplished the cession of Louisiana to the United States. While in Paris he met Robert Fulton, and together they developed a plan of steam navigation which was triumphantly completed afterwards on the Hudson.

De Witt Clinton belonged to a famous family that had been prominent in New York for a hundred years. He had been Mayor of New York City and twice Governor of the State; he was the father of its canal system. Robert Fulton was the practical man of the combination, and whatever may be said against his being the originator of steam navigation, the fact remains that he first applied it to commercial use. Nicholas J. Roosevelt was also an inventor as well as a civil engineer. Fulton's steamboat never would have been a success had he not adopted Roosevelt's invention of vertical wheels, which he first refused to do, but which he accepted in 1803. In 1809 Fulton

and Roosevelt became associated in steam navigation and the Ohio Steamboat Navigation Company was the result.

Prior to the application of steam to navigation on the Ohio River the means of transportation thereon consisted of keelboats, barges and flatboats. Keelboats and barges ascended as well as descended the stream. The flatboat was a mere box to float down stream, and was broken up for its lumber when it reached its journey's end. The keelboat was long and slender, sharp fore and aft, with a narrow gangway just within the gunwale, for the boatmen as they poled or warped up stream, when not aided by the eddies that made their oars available. When the keelboat was covered with a low house lengthwise, it took the more aristocratic name of "barge." Keelboats, barges and flatboats had large and powerful steering oars, and oars of the same kind were hung on fixed pivots on the sides. These were the best contrivances for transportation on the Western waters in 1810; and knowing nothing better, the people were so satisfied with them that when steamboats were suggested, they steadfastly and indignantly claimed that they could not be operated on the Ohio River.

Whether this was true or not, Fulton and his associates did not regard the success of steam navigation on the Hudson River as settling that question on the Ohio. It was, therefore, considered necessary that investigations and surveys should be made of the Western waters. These were undertaken by Mr. Roosevelt. He accordingly went to Pittsburg in May, 1809, accompanied by his wife, to whom he was

recently married. The only means of conveyance were the keelboats, barges and flatboats already described. None of those in use were suited to Mr. Roosevelt's purpose. Accuracy of survey rather than speed was the essential with him, and to secure this he determined to build a boat after his own ideas. This he accordingly did, and for the next six months it was home to himself and Mrs. Roosevelt.

Cincinnati, Louisville and Natchez were the only places of note between Pittsburg and New Orleans. To the leading citizens of those places Mr. Roosevelt carried letters of introduction; by all of them he was kindly received and hospitably entertained. They listened respectfully as he stated his purpose, and incredulously as he stated what he expected to do. He was regarded as a sanguine enthusiast. Not only were the men he met in society incredulous, but the pilots and practical boatmen regarded his scheme of steam navigation as impracticable so far as the Ohio River was concerned. They listened to his narration of the success between New York and Albany; and then pointed to the whirling eddies, rapid currents and turbid channels of the great river as a conclusive answer to all of his statements. That steam could overcome these obstacles they could not be made to see. But Mr. Roosevelt was firm in his optimism; he was sure that steam would work as well on the Ohio as on the Hudson. In his surveys and investigations he penetrated every problem, and did not leave it until he had solved it to his own satisfaction. He studied the Ohio and Mississippi rivers; he gauged them; he measured their velocity at different seasons; he obtained all the

practical information he could, and then formed a judgment that was prophetic. So sure was he of the future, that finding coal on the banks of the Ohio, he purchased and opened mines. So confident was he of his project that he caused supplies of the fuel to be heaped upon the shore in anticipation of the wants of a steamboat whose keel was not yet laid.

If we are to fix upon any one man the credit for the new progress of the West following steam navigation, it must be upon Nicholas J. Roosevelt. To his superb confidence, both as an inventor and an engineer, is due the materialization of the plans of Fulton and his associates. Filled with the spirit of scientific optimism, he returned to New York from New Orleans by sea, and presented to Fulton and Livingston an elaborate report of his examinations and conclusions demonstrating the feasibility of their project. The result was the formation of the Ohio Steamboat Navigation Company and Mr. Roosevelt was sent to Pittsburg in the spring of 1810 to construct the first steamboat for the Ohio River. The design and plan were furnished by Fulton, and it was for a hull one hundred and sixteen feet long and a twenty feet beam. The engine was to have a thirty-four inch cylinder with proportionate boiler. These plans were modified somewhat and the vessel was made larger. After numerous annoyances and difficulties it was completed at a cost of about $38,000.

The "New Orleans" contained two cabins, one aft for ladies, and a larger one forward for gentlemen. Mr. and Mrs. Roosevelt were the only passengers. The crew consisted of a captain, an engineer, a pilot,

six hands, one male and two female servants, a cook and an immense Newfoundland dog named Tiger. Thus equipped, this little craft started down the Ohio River on a voyage which changed the destiny of the West. The people of Pittsburg turned out to bid "God speed" to the pioneer voyagers of a new era. On the second day after leaving Pittsburg the "New Orleans" reached Cincinnati. Here also the whole town turned out, and many whom Mr. Roosevelt met on his first journey came aboard the boat which was anchored in the stream, for there were no levees nor wharves in those days. The visitors congratulated him, saying, "Well, you were as good as your word; you have visited us in a steamboat, but we see you for the last time. Your boat may go down the river, but as to coming up it, the very idea is an absurd one."

The stop at Cincinnati was brief, only long enough to take on wood for the trip to Louisville which was reached October 1, 1811, at midnight of the fourth day after leaving Pittsburg. In a brilliant moonlight the "New Orleans" anchored opposite the town. The next day prominent citizens came aboard and heartily welcomed Mr. Roosevelt with the same pessimism regarding the boat ascending the stream as was expressed at Cincinnati. In return for the hospitality extended to Mr. Roosevelt, he invited his visitors to dine on his boat, and while all were enjoying themselves the boat began moving. The company was seized with terror, for they supposed that the vessel had slipped her anchor and was drifting towards the Falls, which they felt was sure wreck and destruction. They rushed to the deck to find the boat steaming up the

river, leaving Louisville far down stream. When incredulity was conquered, they were filled with delight and admiration. After a ride of a few miles up the river, the "New Orleans" returned to her anchorage.

As there was not a sufficient depth of water on the Falls of the Ohio to permit a safe passage downward, it was determined to surprise Cincinnati by returning to that city. This was done, and the reception was even more enthusiastic than that of a few days before. The first was marked by universal incredulity as to the future of steamboat navigation, the second by unbounded confidence in Mr. Roosevelt and his predictions. With a rise in the river, the "New Orleans" proceeded to her destination. She entered the New Orleans and Natchez trade and never returned to the Ohio River.

Other steamboats were constructed, now that the great fact had been demonstrated. The whole phase of trade on Western waters was changed, and instead of the Ohio merchants and farmers shipping their cargoes of thirty tons in keelboats, they were forwarded in steamboats of four hundred tons burden. This gave a new touch of increased vigor to domestic commerce, and an era of progress was clearly started that would soon place Ohio and her people in the forefront of Western development.

Chapter VI.

THE OPERATIONS OF AARON BURR IN OHIO

IN the year 1805 Aaron Burr made his first visit to the West. It was the beginning of one of the most wrangled over and absorbing incidents in American history. For more than a century, historians and partisans have disputed over his plans and intentions. The State of Ohio was a conspicuous theater of his schemes, and some of her most distinguished citizens were important characters in connection with his so-called conspiracy. It is not the purpose in these pages to enter into the merits of this dramatic incident in the picturesque life of Aaron Burr. It will be helpful, however, to a full understanding of his operations in Ohio, to know something of the man, his career, and the events in connection with his sensational movement.

When Aaron Burr stepped from the high office of the Vice-Presidency of the United States and started for the West, he was just past his forty-ninth year. He was in the zenith of his intellectual vigor, and had closed a career in public life allotted to but few men in the Nation's history. Fame, flattery, power, honors and obloquy had been heaped upon him in a superlative degree. An outcast in politics, hated by his enemies and rejected by his own party, he turned his organizing genius to new fields, and out of his brain came visions and schemes that inseparably connect his name with one of the most disturbing events in our pioneer period.

Burr's forbears were of the best, and he had back of him a blue-blooded New England lineage. His grandfather on his mother's side, was Jonathan Edwards, the distinguished New England divine and the first

American theologian of his time. Jonathan Edwards, himself, could trace his ancestry direct to Alfred the Great.

His father was the Reverend Aaron Burr, D.D., also a noted divine and president of Princeton College. The Burrs were distinguished in the colonial history of Connecticut. Colonel Andrew Burr, a collateral ancestor, was at the capture of Louisburg in 1745. Peter Burr, another ancestor, was Chief Justice of the Superior Court of Connecticut and one of the early graduates of Harvard College. Another, Samuel Burr, graduated from Harvard in 1697 and became the head of the famous Grammar School at Charlestown, Massachusetts. And still another, John Burr, ranks as the founder of the school system of Connecticut.

Aaron Burr's troubles commenced early in life; before he was two years old, he had lost father, mother and grandparents, and thus orphaned and alone, he with his little sister, was taken to raise by his uncle Timothy Edwards. This uncle was a strict and gloomy Puritan, living always in the Valley of the Shadow of Death, and thus, in the formative period of his life, young Burr, deprived of the love of a mother and the warm companionship of a father, grew up in an atmosphere of coldness, inappreciation and formality. The frank and impulsive spirit of boyhood was absent and he became old before his time. Much of the defective character of his manhood can be attributed to his barren child life.

The ample estate of his father furnished him an education, and at the age of sixteen he graduated with honors from Princeton. For a year after his

AARON BURR

Born in Newark, N. J., February 6, 1756, died on Staten Island, September 14, 1836; figured conspicuously in Ohio in 1806-1807 as a promoter of a western movement construed by the Jefferson administration as unfriendly to the Union; on this mission he visited Marietta, Chillicothe and Cincinnati.

ALBION BURR

graduation he was considering his future and his profession. The name of Burr was a familiar one in the Presbyterianism of New England and the young man was expected to follow in the ministerial footsteps of his revered and distinguished father and grandfather. But the philosophy of the French was much in vogue in those days, and it had its evil influence on young Burr. Nevertheless, in the autumn of 1774, he entered Dr. Bellamy's theological school at Bethlehem, Connecticut. His doubts followed him, and here, in the quiet retreats of Faith, he fought the fight which many a man before and since has fought. He came out of it, a confirmed skeptic. Faith was killed, and he lost the sheet anchor of his life. Thenceforth, all things were to be decided by the sole standards of human expediency and personal knowledge.

He turned to the law and became the student of Tappan Reeve, who had married his pretty sister Sallie; but it was only for a few months. The guns of the farmers at Lexington called him to the impending Revolution and casting his law books aside, he went to Boston to join the Continental army.

His career in the army was a marvel. Burr had all the requisites of a soldier. He had bravery, intelligence and military instinct. When he reached Boston, Washington had planned an expedition, to be led by General Arnold against Quebec. Burr had enlisted in the ranks, but for this expedition armed and equipped a company at his own expense and was commissioned captain—and this at nineteen. Through six hundred miles of Maine wilderness, snow and ice, marched this gallant band of six hundred Americans.

Arriving at Quebec, it was necessary to get word to General Montgomery, who was at Montreal, one hundred and twenty miles distant, with his army. Burr was made messenger to announce to General Montgomery the arrival of General Arnold's expedition, and to urge his co-operation in the attack on Quebec. Disguised in the garb of a priest, the young captain, at the end of a lonesome and perilous journey, delivered his message to General Montgomery, who was so pleased with his bravery that he attached him to his staff with the rank of captain.

Quebec was attacked in a blinding snowstorm. Montgomery led the assault; by his side were Captain Burr and two other aides, an orderly sergeant and a guide. The object of attack was a blockhouse from which the British fled in surprise. One artilleryman, however, turned back and discharged his cannon loaded with grapeshot. That shot killed General Montgomery and his entire advance party, save Burr and the guide. It likewise lost Canada to the Americans. The troops, seeing their commander fall, were chilled with fear and fled.

Then this happened, according to Reverend Samuel Spring, who was the chaplain of the Arnold expedition: "It was a heavy storm, Montgomery had fallen, the British troops were advancing toward the dead body and little Burr was hastening from the fire of the enemy, up to his knees in snow, with Montgomery's body on his shoulders. Some forty yards he staggered under his burden, and then was obliged to drop it to avoid capture by the enemy. That night," continues the chaplain, "it was moonlight and the snow

lay thick upon the ground. The captain stole from camp, and passing our pickets, he approached the battlefield and commenced crawling and running among the dead, whenever the moon was partially obscured by clouds, all the time keeping up a strict search till he found the body of Montgomery, which he placed upon his back, and the beardless boy, staggering under his heavy load, succeeded at last in bringing the body of his general to our camp. He appeared to me like some guardian angel of the dead, and I can never forget him."

After this baptism of fire, Captain Burr resigned his commission to General Arnold, and proceeded to New York. The story of Burr's valor before Quebec was in every Continental camp, and he was greeted as a hero by all who met him. General Washington invited him to join his personal staff with the rank of major. The offer was accepted, and Burr became a member of Washington's military family. On close observation and contact the great General did not "warm up" to the young major. There was something in his character that forced suspicion. The distrust and dislike were mutual. He afterwards became aide-de-camp to General Putnam, then a colonel in command of a regiment. His record was good at Valley Forge and Monmouth; but his inherent love of intrigue and his hatred of Washington drew him into the Gates-Conway conspiracy. The purpose of the plot was to remove the head of the army and supplant him with General Gates. The scheme failed in disgrace.

After four years of service in the army, on account of broken health, Burr resigned. He left a record for unquestioned bravery, untiring service and brilliant success. All his associates willingly granted this, but he lacked their comradeship and confidence. He was an insufferable egotist on military matters, exclusive and overbearing with his fellow officers, and, while with General Washington, took a great part of the patient leader's time telling how to conduct the war. Yet it must be said of this young man, who was a captain at nineteen and a colonel at twenty-two, that no duty in field or camp was ever assigned to him that he did not perform with consummate skill and fidelity.

On his return to civil life he took up the study of law, and was admitted to the bar in 1782. After eighteen months of successful practice at Albany, he moved to New York. Here, with Alexander Hamilton as his only rival, he stood at the head of his profession. Both of these young men had such social standing and professional success, that no others approached them. Burr's name and lineage were an open sesame to every drawing room in New York, and Hamilton had married into the family of General Schuyler, an old and aristocratic house. Besides, both had won their spurs in the service of their country. Notwithstanding their professional rivalry, they were friends, and freely and cordially expressed admiration for each other. The rivalries of the bar are always generous, and in no other walk of life is success and ability more quickly or more freely recognized than by competitors in the legal profession. There is

no mean spirit of envy to destroy or undervalue real merit. So long as Burr and Hamilton were rivals in their profession alone, there was an absence of unfriendliness in their relations. But when they became leaders of their respective political parties, and when their ambitions clashed, there arose a fierce and relentless warfare that only ended on the tragic field of Weehawken.

For fifteen years Aaron Burr was the powerful leader of the Republican party of the State of New York. During this period he was the one strong opponent of Federalism led by Alexander Hamilton, and served as a Representative at Albany, Attorney General of the State, United States Senator and Vice-President. The election of Burr to the United States Senate over General Philip Schuyler, Hamilton's father-in-law, marked the beginning of the era of bad feeling between the two leaders.

In the Senate Burr's career was highly honorable and he occupied a position of commanding leadership; so much so that in the Presidential election of 1796 he received thirty electoral votes. In that of 1800 he and Jefferson each had seventy-three votes, and the choice devolved upon the House of Representatives. The contest was long and bitter. In this crisis he again showed a high sense of honor. He declined to make any trades with the Federalists to secure the election. Not so with Jefferson; he willingly made the necessary agreements and was elected. McMaster in his History of the American People (Vol. II, 525) summarizes the intrigue thus: "James Bayard, of Delaware, was the Federal chief. At the opening

of the contest he first made sure of the doubtful votes, and, holding the result of the election in his hand, began to consider the fitness of giving it to Burr. It was expected that Burr would pledge himself to Federal measures in return for Federal support. He would not; and Bayard, aided by Hamilton, spent all his energies in persuading the Federalists to make Jefferson their choice. The task was a hard one. Caucus after caucus was held, only to break up in discord and confusion. The final arrangement was in consequence of assurances from Jefferson that the wishes of the Federalists corresponded with his own; that he would preserve the navy; that he would maintain the public credit; that he would not remove any of the host of petty office-holders merely because they had, in the late campaign, been faithful to the Federal cause. The price settled, the Federal members from Maryland, Delaware and Vermont cast blank ballots, and the Republicans secured ten states."

James A. Bayard, who conducted these negotiations, was a Federalist of high standing, and as the sole representative of the State of Delaware in the Congress of 1800, he possessed the power at any moment of deciding the contest. He testified in a deposition under oath afterwards, in 1806, as to his part in the intrigue. He had endeavored, unsuccessfully, to secure promises from Burr for the Presidency. Bayard acted as the Federal whip, and during the contest reported regularly to Alexander Hamilton, who insisted on his voting for Jefferson from the start. This he refused to do. He preferred Burr, and voted for him until he had made the deal with Jefferson,

then all his efforts were directed to that end. In a letter written to Hamilton after the election (The Works of Alexander Hamilton, Vol. VI, 524) he said: "The means existed of electing Burr, but this required his co-operation. By deceiving one man (a great block head), and tempting two (not incorruptible), he might have secured a majority of the states. He will never have another chance of being President of the United States."

Thus it was that Thomas Jefferson acquired the Presidency, and Aaron Burr became Vice-President. It is one of the strange perversities of man's nature, that when he has wronged his fellow, it is followed by a feeling of hatred for his victim. From the day Jefferson became President he was the secret enemy of Burr. He regarded the Vice-President as his rival in the leadership of the Republican party, and a possible candidate for the Presidency in 1804. And he had a right to so view it, for Burr was powerful with the country, was a man of commanding talents, and above all had the fatal gift of organizing men into action. In New York the great Republican clans of the Clintons and the Livingstons were jealous of Burr. Thus three powerful factions in his own party combined against him, the Virginians led by Jefferson and the New York insurgents.

This conspiracy to eliminate Burr from political life is thus described by Henry Adams in his "History of the United States": "In the face of all this provocation, the vice-president behaved with studied caution and reserve. Never in the history of the United States did so powerful a combination of rival

politicians unite to break down a single man as that which arrayed itself against Burr, for, as the hostile circle gathered around him, he could plainly see not only Jefferson, Madison and the whole Virginia legion, with Duane and his *Aurora* at their heels; not only DeWitt Clinton and his whole family, with Cheatham and his *Watchtower* by their side; but strangest of all companions—Alexander Hamilton himself joining hands with his own bitterest enemies to complete the ring."

In the political controversies of this period, bitter and deadly feelings of hate took the place of honest partisanship. Men's passions boiled over; there was a moral breaking down of all the nobler instincts of charity and fair play. The Federalists firmly believed that Jefferson and his followers would destroy the government, and the Republicans were equally certain that Hamilton was in favor of a monarchy. Both feared and hated Burr. He was regarded as an intruder, an interloper between the houses of Jefferson and Clinton, and as an unprincipled profligate by Hamilton and the Schuyler dynasty.

In these tumultuous conflicts the duel was the court of last resort, and nowhere did it flourish from 1800 to 1804 more flagrantly than in New York among the friends of Burr and Hamilton. In 1801 Hamilton's eldest son, a youth of twenty, fell in a political duel. John Swartout, a Burr lieutenant, and DeWitt Clinton fought in 1802. The next year Clinton was challenged by Senator Jonathan Dayton, another of Burr's friends, but the affair was amicably arranged. Robert Swartout fought with Richard Riker, a Clinton

supporter, who served as second to Clinton in his duel with John Swartout. In this affair Riker was badly wounded. Then Coleman of the *Evening Post* challenged Cheetham, editor of the *American Citizen*, the Clinton organ. But Cheetham was a coward and had his friends patch up the dispute. As a result Captain Thompson, who was a loud opponent of Burr, challenged Coleman and fell mortally wounded. Thus did political fury lead men of education, honor and humanity to forget all the better elements of their nature.

The climax in this era of barbarism was reached when Burr and Hamilton resorted to the duel to settle their differences. We are apt to draw too fine a moral standard in judging the principals to this unfortunate affair. It was "an imperious custom" that demanded its victim. The "affair of honor" was recognized by the sentiment of the time. The list of duelists makes the quiet and decent citizen of to-day shudder in amazement; he will read the names of Gates, DeWitt Clinton, Randolph, Benton, Clay, Jackson, Decatur, Arnold, Walpole, Pitt, Wellington, Canning, Peel, Grattan, Fox, O'Connell, Sheridan, Jeffrey, Wilkes, Disraeli, Lamartine, Thiers, and a long roll of lesser statesmen.

Hamilton himself had been connected with duelling episodes in his lifetime; Burr was without experience. When General Charles Lee slandered Washington, Laurens challenged Lee and the duel was fought with Hamilton as a second. After he left Washington's cabinet, Hamilton challenged Commander Nicholson of the navy to mortal combat, but friends pre-

vented the meeting. In 1797 he was challenged by James Monroe who asked Burr to act as his second, but instead Burr interested himself to make peace between the parties and succeeded.

Hamilton fell mortally wounded from Burr's pistol, July 11, 1804; his death followed next day.

Contrary to Burr's expectation, the result of the duel was received by the people of all parties with feelings of horror, indignation, and condemnation. His immediate friends and followers alone stood loyally by him, but they were mute and dazed amidst the universal execration heaped upon him.

Then followed the spectacle of a Vice-President of the United States fleeing from indictment and prosecution, for Burr was advised by his friends that safety could only be found beyond the jurisdiction of New York and New Jersey. He therefore turned southward, his objective point being the home of his daughter Theodosia near Georgetown, South Carolina. After a journey of exposure and danger, four hundred miles of it in an open boat at sea, he reached "The Oaks," the stately manor of Joseph Alston, his son-in-law. After several weeks here, he returned to Washington to find that he had been indicted for murder in two states—New York and New Jersey. No prosecution however, was attempted owing to his strong personal and political influence. The public indignation had subsided, and in a measure, a favorable reaction had set in, sufficient to thwart any legal prosecution.

At Washington he presided over the Senate with his old time grace and dignity, and at the impeachment trial of Judge Samuel Chase, he won public

THEODOSIA BURR ALSTON

The daughter of Aaron Burr, born in New York City in 1783 and lost at sea in January, 1813; she was one of the most highly accomplished and brilliant of American women; married, February 2, 1801, Joseph Alston, a talented young planter of South Carolina, who subsequently became Governor of that State. Mrs. Alston accompanied her father to Ohio and was an enthusiastic partner in his schemes.

PHILADELPHIA: PETER ARSTEN

approbation because he directed it "with the dignity of an angel and the rigor of a devil." Every fortnight he dined with the President, and to outward appearances he had regained his standing. On March 2, 1805, Aaron Burr delivered his farewell address to the Senate, after which that body unanimously thanked him for "the impartiality, dignity and ability" with which he presided over their deliberations. Two days later he was a private citizen.

At this time there was expectancy of a war with Spain, and the people of the Ohio and Mississippi valleys were ready and anxious for it. Burr had in his mind a new field and future. He recognized that his power, influence and prestige were forever gone in the East. He was a political Ishmaelite. He wrote to his son-in-law, Joseph Alston: "Though in my former letters I did not, in express terms, inform you that I was under ostracism, yet it must have been inferred. Such is the fact. In New York I am to be disfranchised, and in New Jersey hanged. Having substantial objection to both, I shall not, for the present, hazard either, but shall seek another country." In the Southwest there was "another country." The empire of Montezuma opened a vision for conquest, and he saw in Mexico room for his life and ambitions. It was Spain's last territory in North America, and in case of war could easily be invaded and conquered. Burr lacked two essentials to the carrying out of his purposes; they were money and a base of operations from which his activities could be directed, and which would furnish justification for a Western movement.

The real object of his tour has been a subject of discussion since it occurred. It has been differently outlined by writers from the viewpoint of friend or enemy. His purposes have been described as threefold, viz.: first, to ascertain the sentiments of the people of the West upon the subject of a separation from the Atlantic States; secondly, to enlist recruits, and make arrangements for a private expedition against Mexico and the Spanish provinces, in the event of a war between the United States and Spain, which at that time seemed inevitable; thirdly, in the event of a failure of both of these measures, to purchase a tract of land of Baron Bastrop, lying in the Territory of Louisiana, on the Washita river. Upon this, he contemplated the establishment of a colony of intelligent and wealthy individuals, where he might rear around him a society remarkable for its refinement in civil and social life.

It took the "sinews of war" to equip expeditions, invade foreign countries or to colonize new territory, and Burr had already formed plans to raise funds from the British Government. While he was Vice-President he had begun negotiations to this end with the British Minister to the United States, Anthony Merry. On his way west, Burr met Merry in Philadelphia, and laid before him his future project. The Minister in his correspondence to his Government gives in the fullest detail what he says Burr revealed to him concerning the possibilities of his western tour. This was to the effect that the inhabitants of the newly acquired territory of Louisiana were anxious to become independent of the United States;

that they wanted the protection of some foreign power and that they wanted to connect themselves with the Western States.

"It is clear," writes Merry, "that Mr. Burr (although he has not as yet confided to me the exact nature and extent of his plan) means to endeavor to be the instrument for effecting such connection. He has told me that the inhabitants of Louisiana, notwithstanding that they are almost all of French or Spanish origin, as well as those of the Western part of the United States, would, for many obvious reasons, prefer having the protection and assistance of Great Britain to the support of France; but that if his Majesty's government should not think proper to listen to his overture, application will be made to that of France, who will, he had reason to know, be eager to attend it in the most effectual manner."

To carry out this, Burr told Merry that he would require the aid of two or three British frigates and the same number of smaller vessels to be stationed at the mouth of the Mississippi river, and also a loan of about one hundred thousand pounds from the English government. These and many other things did Mr. Merry write to Lord Harrowby, March 29, 1805, after his interview with Burr. Leaving the British Minister to convey his terms and wishes to his Government, Burr, accompanied by Gabriel Shaw, proceeded to Pittsburg, at which place he arrived, April 29, and left the next day on his journey.

Under date of April 30, he thus writes from Pittsburg to his daughter Theodosia: "Arrived in good order yesterday. Find my boat and hands ready. The

water high and weather fine. Shall set off in two hours. Have therefore no time to give any account of my journey hither. My boat is, properly speaking, a floating house, sixty feet by fourteen, containing dining room, kitchen with fireplace, and two bedrooms; roofed from stem to stern; steps to go up, and a walk on the top the whole length; glass windows, etc. This edifice costs one hundred and thirty-three dollars, and how it can be made for that sum passes my comprehension." On the morning of May 5, he reached Marietta, which he describes as a village "containing about eighty houses; some that would be called handsome in any village on the continent. After breakfast came in several gentlemen of the town to offer me civilities and hospitalities. We have been walking several miles to see the mounds, parapets, squares, and other remains of unknown antiquity which are found in this neighborhood. I am astonished and confounded; totally unsatisfied with the conjecture of others, and unable to repose on any plausible one of my own." Marietta was a Federalist stronghold and there is no evidence nor contemporary authority that he was received with more than formal politeness. As the slayer of Hamilton, if there was any place in Ohio where he would fail to make an impression, it was here. He therefore made his visit one of mere curiosity and rest from a monotonous journey.

Floating downward on the Ohio, the travelers came upon an island fourteen miles below Marietta that at once attracted their curiosity and admiration. As they approached it, they could see on its upper

portion an estate in high cultivation, and among the trees they observed a white mansion that at once struck them with amazement. It was a wonderful surprise in this wild western country to view such evidences of wealth and culture. Fascinated with the beauty of the place Burr moored his boat and went ashore. The master of the island was absent, but his wife hospitably entertained the former Vice-President with dinner and that evening Burr departed on his journey. But he had made an ill-fated impression that ended tragically.

The owner of this island home was Harman Blennerhassett, and the hostess on the occasion referred to, was his accomplished and ambitious wife. They both became important factors in Burr's movements, and are worthy of more than mere mention. The orator and novelist have woven around the Blennerhassetts and their island the enchanting web of romance, and too often tales of splendor and crime have obscured the plain facts of history. They were easily the dupes of Burr, because their own ambitions mingled with his.

Blennerhassett was of gentle Irish ancestry, although he was born in England during a temporary visit of his parents. He was educated at Trinity College, Dublin, and in time became a member of the Irish bar, when that body led its profession in brilliancy and power. On the death of his father he inherited an estate of twenty thousand pounds. He moved to England and married Miss Margaret Agnew, a young woman of high rank and connections. In 1797 they removed to America and in March, 1798,

Blennerhassett bought one hundred and seventy acres on an island situated in the Ohio River between what is now Wood County, West Virginia, and Washington County, Ohio, its upper or eastern end being almost opposite the pretty little town of Belpre. The island was within the jurisdiction of Virginia at the time of settlement, so that he had the right to hold slaves which he desired to do, and which he could not have done on the opposite shore. The location was a place of beauty; the branches of the willows along the shore coquetted with the fleeting water as it flowed by, and the heavy elms and lofty sycamores gave dignity and charm to the scene. It was a fascinating retreat for any man of fortune who craved retirement and rest.

Here in 1800 this cultured settler in a new world and surroundings commenced the construction of a home that was destined to be the most famous and historic in the Ohio Valley. Dr. Hildreth, of Marietta, has left us in his "Memoirs of the Early Pioneers of Ohio," published sixty years ago, an interesting and accurate description of the Blennerhassett home, which he received from one of its architects. "The island mansion," says he, "was built with great taste and beauty; no expense being spared in its construction, that could add to its usefulness or splendor. It consisted of a main building, fifty-two feet in length, thirty in width, and two stories high. Porticoes forty feet in length, in the form of wings, projected in front, connected with offices, presenting each a face of twenty-six feet, and twenty feet in depth, uniting them with the main building, forming the

half of an ellipse, and making in the whole, a front of one hundred and four feet. The left hand office was occupied for the servants' hall; and the right for the library, philosophical apparatus, study, etc.

"A handsome lawn of several acres occupied the front ground; while an extended opening was made through the forest trees, on the head of the island, affording a view of the river for several miles above, and bringing the mansion under the notice of descending boats. Nicely graveled walks, with a carriage-way, led from the house to the river, passing through an ornamental gateway, with large stone pillars. A fine hedge, of native hawthorn, bordered the right side of the avenue to the house, while back of it lay the flower garden, of about two acres, inclosed with neat palings, to which were traced gooseberry bushes, peaches, and other varieties of fruit-bearing trees, in the manner of wall fruits. The garden was planted with flowering shrubs, both exotic and native; but especially abounding in the latter, which the good taste of the occupants had selected from the adjacent forests, and planted in thick masses, through which wandered serpentine walks, bordered with flowers, imitating a labyrinth. Arbors and grottoes, covered with honeysuckles and eglantines were placed at convenient intervals, giving the whole a very romantic and beautiful appearance. On the opposite side of the house was a large kitchen garden, and back of these, orchards of peach and apple trees of the choicest varieties, procured from abroad as well as from the Belpre nurseries. Lower down on the island was the farm,

with about one hundred acres under the nicest cultivation; the luxuriant soil producing the finest crops of grain and grass.

"The mansion and offices were frame buildings, painted with the purest white, contrasting tastefully with the green foliage of the ornamental shade trees, which surrounded them. An abundance of fine stone for building could have been quarried from the adjacent Virginia shore, but he preferred a structure of wood, as less liable to be damaged by earthquakes. The finishing and furniture of the apartments were adapted to the use for which they were intended. The hall was a spacious room; its walls painted a sombre color, with a beautiful cornice of plaster, bordered with gilded molding, running round the lofty ceiling; while its furniture was rich, heavy and grand. The furniture of the drawing-room was in strong contrast with the hall, light, airy, and elegant; with splendid mirrors, gay-colored carpets, rich curtains, with ornaments to correspond, arranged by his lady with the nicest taste and harmonious effect. A large quantity of massive silver plate ornamented the sideboards and decorated the tables. Yet they had not entirely completed their arrangements, when the destroyer appeared, and frustrated all their designs for comfort and future happiness. The whole establishment was noble, chastened by the purest taste, without that glare of tinsel finery, too common among the wealthy."

This testimony as to the beauty of the island home is verified by the writings of every traveler on the Ohio River in the beginning of the nineteenth century.

The Blennerhassetts kept open house and their guests were numerous. They all left imbued with the charm of both hosts and home. Thomas Ashe, the English traveler, who wrote abusively and falsely concerning American men and manners, found here an elysium which challenged his pessimism and stilled his criticisms. He was a guest in July, 1806, and he records his impression in his "Travels in America."

The master of Blennerhassett's Island was a man of intellectual mold, but as he was situated, he was no more than an impracticable dreamer. He devoted himself to the study of chemistry, music, philosophy and astronomy. He knew Greek and was well versed in English law. He was a student, self-banished from the world of action. Dudley Woodbridge, who was his partner, and who was a witness in Burr's trial at Richmond, being asked concerning him by William Wirt: "Is he esteemed a man of vigorous talents?" answered thus: "He is, and a man of literature. But it was mentioned among the people in the country, that he had every kind of sense, but common sense; at least he had the reputation of having more of other than common sense."

Margaret Blennerhassett was the opposite of her husband; her temperament in every way was in strong contrast to his. He was timid, while she was strong; he was theoretical, she was practical; he was content with his books and library, she loved life, the woods and the world. She was a good woman, wife and mother. Educated in all the accomplishments which add to female charm, she was also a housewife and housekeeper. A lover of social life, her home was the

center of gaiety for the young and old folk of Marietta, Belpre and the Virginia shore. She was a perfect horsewoman, and on her spirited steed, with rich trappings, she would ride easily to Marietta, fourteen miles away, in two hours, dashing through the pathless dark and lonesome foliage with no company but her black boy, Moses.

Her mind was as cultivated as her person. She was a finished French and Italian scholar, and her Shakesperian recitals were given with the grace and skill of a polished actress. Well-read in history and English literature, she was often called upon to decide disputed questions between her husband and his distinguished guests. Little wonder is that a woman of these accomplishments should have seen in Aaron Burr's dream of empire a new world worthy of her husband's talents and her own ambitions.

Burr was a speedy traveler, for we find him five days after his visit to Blennerhassett Island at Cincinnati on May 11, where he visited with United States Senator John Smith and several old army acquaintances. Burr remained in Cincinnati but one day, but it was long enough to start suspicions on the patriotism of Senator Smith, which afterwards proved disastrous to his good name and reputation. Next to the Blennerhassetts, John Smith was the most conspicuous character in the Burr project in the Ohio valley. Later in this narrative it will be seen how innocent his connection was and how unjustly he suffered on account of it.

Resuming his journey, Burr proceeded to Louisville where he met General Adair and from there went to

Nashville where he was the honored guest of General Jackson, who banquetted and lionized him. He spent a month at New Orleans. Here he was received with great honors. Governor Claiborne gave him a dinner which was attended by distinguished guests. He was everywhere received with the most marked consideration, and it was openly understood that Burr was to invade Mexico in case of the expected war with Spain. He returned to the East, stopping on his way to visit General Jackson at Nashville and Henry Clay at Lexington. Both were in sympathy with his movements. On his journey through Ohio he again visited his friends at Cincinnati, and at Chillicothe he met Governor Tiffin. Again he called at Blennerhassett's Island, but the master was absent as before.

When Burr reached Washington he was received and dined by the President, and from members of the Cabinet he learned that there would be no war with Spain. One of the strongest incentives for his western adventures was then gone. He had, however, other interests which he expected to exploit, and which would strengthen his plans in the invasion of Mexico. This was the purchase of nearly four hundred thousand acres of land in what was known as the Bastrop purchase, lying on the Washita River in Northern Louisiana. This was a grant of the Spanish government, made prior to cession, to Baron P. N. Tut Bastrop, amounting to twelve hundred thousand acres. Subsequently a Colonel Charles Lynch acquired a portion of the tract, and of him Burr, in July, 1806, purchased nearly four hundred thousand acres. This

sale was established at the trial at Richmond, and actual payment by Burr to Lynch of five thousand dollars was proven.

To this purchase Mr. Alston, his son-in-law, as well as relatives in Connecticut, contributed. His friends in New York were to join him in the settlement of this territory. The Swartouts, Marinus Willett, afterward Mayor of New York, Eric Bollman, and Senator Jonathan Dayton of New Jersey were all enthusiastic participants. In the West, General Wilkinson, commander-in-chief of the Army, was his associate. When public sentiment afterwards opened its vials of wrath upon Burr, he cowardly deserted him. All this time Wilkinson was in the pay of the Spanish government. He ranks next to Benedict Arnold as the most contemptible traitor in the history of the Army. He testified against Burr at Richmond, but the jury refused to believe him. And nothwitstanding this, to use the words of Theodore Roosevelt in "The Winning of the West," "Wilkinson, the double traitor, the bribe taker, the corrupt servant of a foreign government, remained at the head of the American Army." But there were others, of an entirely different character, in the West that approved Burr's plans. General Jackson, a thorough Spanish hater, gave them his unqualified support; Henry Clay and General Adair of Kentucky did likewise. Blennerhassett, fascinated, invested his money and his future in the scheme.

With Burr, the settlement on the Washita was not the prime purpose of his ambitions. It was something he could fall back on in case the government

of the United States should interfere with his designs on Mexico. At the same time it would serve as a starting point for a daring band of enthusiastic spirits bound to invade the El Dorado of their dreams.

On August 4, 1806, Burr with his daughter Theodosia and a few personal friends set out on his second tour to the West, and to prepare for the actual launching of the expedition. The first stop was at Marietta. It was a training day for the militia and the distinguished visitor, whose military record was well known, exercised the amateur soldiers in evolutions which won their fervent admiration. In the evening a ball was given to Colonel Burr and the queenly Theodosia, and both conquered Marietta by their courtly graces. On this occasion, Burr easily enlisted participants in his venture. Offers of distinction and probabilities of wealth were the baits that soon won the young and adventurous. Dudley Woodbridge of Marietta was given a contract for pork, flour, whiskey and cornmeal for the expedition, the payment of which was guaranteed by Blennerhassett, but afterwards met by Burr. Fifteen boats were also ordered on memorandum and models furnished by Burr. These boats were built up the Muskingum River about seven miles above Marietta and were to be delivered on December 9, 1806.

While these preparations were being carried on, Burr visited Chillicothe. Whether he saw Governor Tiffin on this occasion is not known, but he called at Adena, the home of United States Senator Thomas Worthington, and remained several days there, although the Senator was not at home. In the "Private Memoir

of Thomas Worthington" written by his daughter, this visit is referred to: "I know not why he came. Not having letters to my father, we may fairly suspect that his object was to discover his views respecting the 'conspiracy' in which he is said to have been engaged. Having discovered by some means, it is to be supposed, that he had nothing to gain in that direction, he departed as he came."

From Chillicothe Burr proceeded to Cincinnati and thence to Lexington and Nashville. Everywhere he was busy in gaining adherents, visiting men of influence, and on all occasions he was received as a great man and with honor and dignity becoming a former Vice-President of the United States. On the Cumberland River he gave orders for six boats, and left four thousand dollars with General Jackson to pay for them.

All this time Mrs. Alston was with the Blennerhassetts, and in October she was joined by her husband. Soon after he and his wife and Blennerhassett left for Lexington which was to be the rendezvous for them and Burr. The energetic Mrs. Blennerhassett was in the meanwhile in charge of affairs at home, and making the necessary preparations for the final departure when her husband should return.

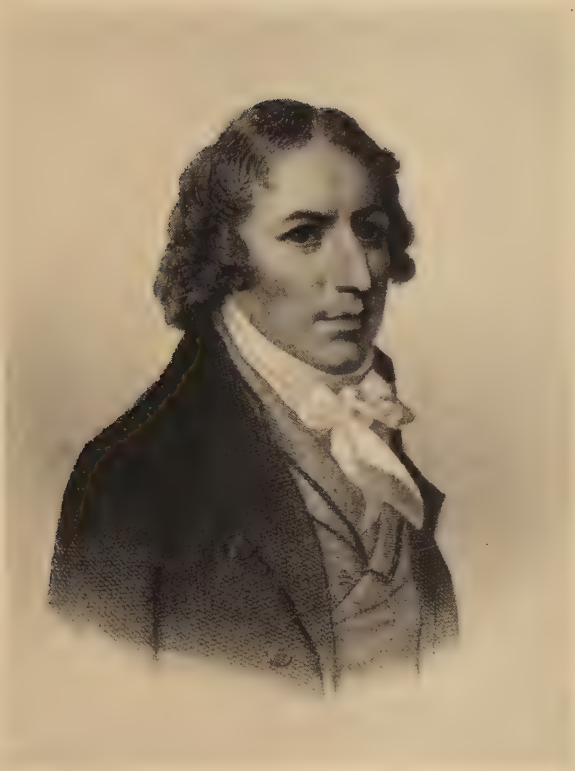
The Ohio Valley, in the summer and fall of 1806, was full of rumors respecting Burr and his intentions. Then the press was active in spreading views favorable or unfavorable according to the political viewpoint. Senator John Smith, who was a real friend of Aaron Burr's, was worried by these reports, and accordingly, on October 23, 1806, he addressed this letter to him

HARMAN BLENNERHASSETT

Associate of Aaron Burr in his western schemes; was arrested with Burr for treason; indicted at Richmond but never tried.

HARVIAN BLENNERHASSETT

Associate of Aaron Burr in his western schemes, was arrested with Burr for treason: indicted at Richmond but never tried.



from Cincinnati: "Dear Sir, Having an opportunity of writing a line by one of Blennerhassett's domesticks, I beg leave to inform you that we have in this quarter various reports prejudicial to your character. It is believed by many, that your design is to dismember the Union. Although, I do not believe that you have any such design, yet I must confess from the mystery and rapidity of your movements, that I have fears, let your object be what it may, that the tranquillity of the country will be interrupted, unless it be candidly disclosed, which I solicit, and to which I presume you will have no objection."

Burr's answer to this letter was at once prompt and positive. Under date of October 26, he wrote to Senator Smith from Lexington, where he was visiting Henry Clay, as follows: "Dear Sir; I was greatly surprised and really hurt by the unusual tenor of your letter of the 23d, and I hasten to reply to it as well for your satisfaction as my own. If there exists any design to separate the western from the eastern states, I am totally ignorant of it. I never harbored or expressed any such intention to any one, nor did any person ever intimate such design to me. Indeed I have no conception of any mode in which such a measure could be promoted, except by operating on the minds of the people, and demonstrating it to be their interest. I have never written or published a line on this subject, nor ever expressed any other sentiments than those which you may have heard from me in public companies, at Washington and elsewhere, and in which I think you concurred. It is a question on which I feel no interest, and certainly

I never sought a conversation upon it with any one; but even if I had written and talked ever so much of the matter, it could not be deemed criminal.

"But the idea, as I am told, which some malevolent persons circulate is, that a separation is to be effected by force; this appears to me to be as absurd and as unworthy of contradiction, as if I had been charged with a design to change the planetary system. All the armies of France could not effect such a purpose, because they could not get here, and if they could get here, they could not subsist, and if they could subsist, they would certainly be destroyed.

"I have no political views whatever, those which I entertained some months ago, and which were communicated to you, have been abandoned.

"Having bought of Colonel Lynch, four hundred thousand acres of land on the Washita, I propose to send thither this fall, a number of settlers; as many as will go and labor a certain time, to be paid in land and found in provisions for the time they labor, perhaps one year. Mr. J. Breckinridge, Adair and Fowler, have separately told me that it was the strong desire of the administration that American settlers should go into that quarter, and that I could not do a thing more grateful to the government. I have some other views which are personal merely, and which I shall have no objection to state to you personally, but which I do not deem it necessary to publish; if these projects could any way effect the interests of the U. S. it would be beneficially, yet I acknowledge no public considerations have led me to this speculation, but merely the interest and comfort of myself and my friends.

"This is the first letter of explanation which I have ever written to any man, and will probably be the last. It was perhaps due to the frankness of your character, and to the friendship you once bore me. I shall regret to see that a friendship I so greatly valued must be sacrificed on the altars of calumny.

"Be assured that no changes on your part can alter any desire of being useful to you, and I pray you to accept my warmest wishes for your happiness. It may be an unnecessary caution, but I never write for publication."

John Smith's relations with Aaron Burr were much misinterpreted, and in his subsequent persecutions he was undoubtedly the victim of partisan intrigue. As the most conspicuous citizen of Ohio, charged with complicity in Burr's plans, an examination into his character and the charges against him will be interesting, instructive and only fair to his memory. He was known as Elder John Smith, and was the first permanent pastor of the first Baptist church in the Northwest Territory. He was a man of vigorous mind, and though without a liberal education, by great industry soon acquired a good degree of general information, and a respectable knowledge of letters. He was a man of unusually fine appearance, and a natural orator. His voice was remarkable for itspower and compass as well as for its peculiar sweetness. As outdoor preaching was common in his day, when there were few meeting houses, his voice was admirably adapted for such service, and those who heard him, and have given to us their recollections of that day, say he could be distinctly heard in preaching at the distance of half a mile.

It was but natural that a man of his pleasing and popular manners should enter public life. Reference has been made to his services in the Territorial Legislature and the first Constitutional Convention. Judge Burnet was well acquainted with Mr. Smith, and although he belonged to the opposite party, he writes in his "Notes" freely praising his character and defending him against any treasonable designs in his connection with Burr. The first General Assembly of Ohio elected John Smith as one of the United States Senators. Aaron Burr was then Vice-President and presiding officer of the Senate, and Smith, being one of the leading Democratic-Republicans in the West, soon became acquainted with the leaders of his party, among them, Burr. President Jefferson saw in Smith one who had strongly advocated his election and the Ohio Senator soon became one of his favorites. The President made him a confidant on the subject of our relations with Spain, out of which war was soon expected to occur. The truth of the whole situation was that Spain owned territory here that we wanted, and Jefferson was willing to have some reason for war.

John Smith was a contractor for supplying the United States Army west of the mountains, and had occasionally visited the forts on the Mississippi, and had also for the purpose of purchasing supplies for his contracts visited New Orleans and other points to the Southwest in the Spanish Dominions. Jefferson knew this, and had advised with him concerning the sentiment of the Spanish subjects towards the United States. Notwithstanding the Louisiana pur-

chase, there was some dispute as to what it included. Jefferson held that with it came West Florida and Texas. The Spaniards denied this. War was imminent. Senator Smith made a trip to the Southwest to secure information concerning public feeling in that section. The results of his investigations were reported to Jefferson at the December session of Congress in 1805. Immediately a confidential message breathing war against Spain was sent to Congress. For a year or so, during which time Burr was preparing for such an emergency, there was momentary expectation of a conflict. Negotiations and the prudent conduct of Jefferson, settled all disputed points, and peace was maintained.

Burr's western tours were contemporaneous with all these events. It was natural that, when he came to Ohio, he should visit Senator Smith; and as his guest, Burr formed many friends at Cincinnati. "This act of respect and kindness," says Judge Burnet referring to this visit, "by a generous spirit, was relied on as evidence that he was a partisan of the Colonel and engaged in his project. A number of persons then residing in Cincinnati, who were in constant and intimate intercourse with Burr, and who were universally believed to be engaged in his undertaking, whatever it might have been, deserted him as the storm began to gather." Burr's solemn declaration, in his letter to Smith satisfied the latter, and he refused to join in the general outcry. The consequence of this attitude brought on the vindictive persecutions of a later date. The very men who were the loudest in singing the praises of Burr turned out to be Smith's

bitterest enemies and testified against him afterward, furnishing evidence of the most doubtful veracity.

In the meantime the administration was preparing to thwart Burr's purposes. To do this it was necessary that they should be found to be treasonable. While Burr was at Lexington, the United States District Attorney tried to have him indicted, but failed ignominiously. Mr. Jefferson had secured communications from General Wilkinson, and as a result he started an inquiry of his own. John Graham was his secret agent to secure testimony against Burr, and to break up the expedition if possible. Graham came to Marietta and met Blennerhassett and obtained from him a frank statement of the purposes of the venture in which he was engaged with Burr. There was nothing in the information of a startling character or upon which interference could be based. Graham however, supplied motives and intents as well as facts, and he told Blennerhassett that he thought the plan was to attack Spain or the United States, and that therefore the government would have to interfere. Graham was sent for the express purpose of arousing the people of Ohio to action and he admirably succeeded.

From Marietta Graham proceeded to Chillicothe to see Governor Tiffin. Here again he failed to discover any excitement concerning Burr or fear of his machinations; the Governor assured him there was no war, or fear of war in Ohio. Graham called his attention to the fact that Colonel Burr was building boats on the Muskingum for some sinister purpose, and they should be seized. Tiffin replied that they

were boats for ordinary river traffic, and too frail for war purposes. Governor Tiffin showing an unwillingness for summary action, Graham presented his orders from President Jefferson. Then the Governor agreed to act by calling the attention of the General Assembly to the serious situation.

On November 27, the President issued a proclamation announcing that unlawful enterprises were on foot in the Western states, and commanding all officers, civil and military, to use their immediate and utmost exertions to bring the offending persons to punishment. On the day after this proclamation was issued the secret agent, Graham, wrote from Chillicothe to James Madison, Jefferson's Secretary of State:—"At this place they seem to know nothing of the plans of Colonel Burr, and I am rather induced to think he has no one at work for him here; if he has, they have made very little progress, for all is quiet." From this it is apparent that all the information possessed by Governor Tiffin on this subject was imparted to him by John Graham, whose mission was to stir up the West against Burr. The Governor was too good a friend of the administration not to assist in destroying its old enemy. He did it most effectively, and what the courts of Kentucky and Mississippi could not do, the Governor of Ohio accomplished. He completely checked Burr's movements and wiped out all his dreams of empire.

Chapter VII.

THE OPERATIONS OF AARON BURR IN OHIO

CONCLUDED

THE starting of the civil and military authority of the State of Ohio against the expedition that was soon to leave Blennerhassett's Island was done promptly and with systematic dispatch.

Governor Tiffin received Jefferson's agent on Friday, the Legislature assembled the next Monday, and on Tuesday he sent the following message to that body:

"Gentlemen of the Senate and of the House of Representatives:

"A number of concurrent circumstances, received from sources on which the greatest possible reliance may be placed, warrants a belief that some hostile expedition is on foot, inimical to the peace and interest of the United States, as well as calculated to prove ruinous to the peace and prosperity of the western part thereof. As chief magistrate of this state, I have thought it a duty I owe to my fellow-citizens, to this state, and to the general government, to lay the information I have received before the representatives of the people, that their united wisdom might direct to some means of prevention, as far as in their power, towards counteracting the evil designs.

"I have it from a gentleman of great respectability, clothed by the United States with a public character, that a person living near Marietta, on the Ohio River, but out of the jurisdiction of this state, has avowed himself an agent of a gentleman late high in office in the United States, and is empowered, and is actually preparing a flotilla, consisting of from ten to fifteen batteaux, forty feet long, on the Muskingum River, and is purchasing up provisions to load them with,

and endeavoring to engage active, enterprising young men, to sail therein down the Ohio, who are promised pay and rations from the time of engagement, with promises of future fortunes, etc.; that this agent proposed to two gentlemen of great respectability to join in a plan suggested by his principal, and which he had engaged in, which would procure them ample fortunes; which plan was to attack and seize the City of New Orleans and its dependencies, the money in the bank and treasury (which amounts to upwards of two millions of dollars) the military stores, and a fine park of French brass artillery laying there, and to erect a government independent of the United States, under the protection of a foreign European power, and finally to force, or draw the people of the western country to secede from the Union, by sundry means pointed out. It has also been suggested, that three different small armaments below this on the Ohio are preparing to join the expedition, and if all are permitted to join, will amount to thirteen hundred men, the force designed to commence operations with, and from which, owing to the disaffection of the people of that territory, and the expectation that the American troops will be kept in motion by another power, success is strongly calculated on. It is also strongly suspected that a foreign gentleman, friendly to the enterprise, has pecuniary means equal to the extent and wants thereof, at command.

"On Friday last, I received a communication from a general officer in the militia, in the first division, informing me, that two boats loaded with artillery, muskets and bayonets, new, and of French manufac-

THE HOUSE OF BLENNERHASSETT

Located on Blennerhassett's Island in the Ohio River opposite Belpre; constructed in 1800 and was noted for its beauty and as a home of sumptuous hospitality; here Aaron Burr first met its master and induced him to join his enterprise.

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ture, passed down the Ohio River, on board of which were gentlemen who spoke the French language; that for want of legal authority, he was not able to gratify his patriotic wishes in arresting them.

"Under this state of things, it is submitted whether the public energies of Ohio ought not to be directed towards counteracting that part of the preparing forces within our jurisdiction, on the Muskingum River, and then securing the agent preparing them, if possible. And indeed, it is thought other forces may descend the Ohio from above, and which might be stopped in the Ohio while floating down towards the point of junction."

Edward Tiffin.

Chillicothe, December 2, 1806.

This confidential message, for it was so regarded, was considered for several days in secret sessions of both the House and Senate. When the seal of secrecy was removed, it developed that severe and stringent legislation had passed looking to the suppressing of the Burr expedition. This was an act of the General Assembly, passed December 6, (Chase's Statutes, I, 553) entitled, "An act to prevent certain acts hostile to the peace and tranquillity of the United States within the jurisdiction of this State." Among its provisions was one declaring that any person or persons fitting out or arming any vessel or vessels, or enlisting any persons, party or army, or marching any such persons, party or army through Ohio with intent to act against the peace and tranquillity of the United States should,

upon conviction, before the Supreme Court of Ohio, be fined not exceeding four thousand dollars, and be imprisoned not to exceed three years.

The act further provided for the forfeiture to the State of such vessels, together with their furniture, equipment, arms, provisions and stores. It gave to the Governor power to use the militia forces of the State to carry its provisions into effect, and appropriated the sum of one thousand dollars for his use in the premises.

Governor Tiffin, immediately upon the passage of this act, proceeded to take the necessary steps to suppress the expedition and prevent further movements looking to its consummation. There are in existence three letters of Governor Tiffin which show his activity and executive force in this crisis. They are here published for the first time, being copies of originals in the possession of the Ohio Archæological and Historical Society. They are addressed to Mathew Nimmo at Cincinnati, who was commissioned by the Governor as his agent in this emergency, with full power to issue warrants for arrests or call out the militia in the same manner as if the Governor had been present. These letters give a good narrative of the events as they were occurring in Ohio at the time, and they form a faithful record of Governor Tiffin's acts on this occasion.

The first letter under date of December 10th is as follows:

"Herewith you will receive a commission as my agent to perform certain duties under an Act of the General Assembly passed last Saturday; in order that you may have a proper idea of things relative to this Act, I

forward a copy of a communication I made confidentially to the General Assembly last week marked A; they acted on it with closed doors & passed the Act, a copy of which I also enclose marked B; you will discern that they thought the times called for energetic efforts, and have clothed the Executive with uncommon powers to enable him to counteract every hostile effort that may be made within, or pass through our Jurisdiction; these powers from my confidence in you as a civil officer I have in part delegated to you. You will I have no doubt exercise them with all that prudence and sound discretion which their importance requires; and not issue any warrant without first knowing that you can avail yourself of such legal proof as will justify the measure. You will appoint your own Executive Officer to carry your warrants if any should issue in effect; and I would recommend to you to lay your authority & the accompanying documents before Major General Gano & Brigadier General Findlay, that they may afford you counsel & be ready to aid you with the force of the militia in case circumstances should make it necessary to call in its aid. I have last Saturday forwarded on a special Express to Marietta, that if proof could be obtained to arrest the flotilla on the Muskingum & Blennerhassett, Mr. ———'s Agent; if any thing occurs which you ought to know at your Lower Station on the Ohio, it shall be communicated by Express, that you may be ready at Cincinnati to arrest any hostile movement floating down the Ohio; it will be well to keep good lookout on the river as it is said some part of the intended expedition is at Pittsburgh ready to start down."

On December 17th, Governor Tiffin again writes Mr. Nimmo:

"I have just received yours of the 14th and by the return of the Mail, I thought proper to acknowledge its receipt altho I have nothing further to communicate, only that I am highly gratified at the prompt prudent and energetic measures you & Generals Gano & Findlay have adopted, and which I fondly hope will be crowned with success in arresting Tyler's Boats &c. You will have before this time seen my orders sent on to General Gano by a Special Express, and will find that the United States will cover the expenses you have been at engaging. I expect the two Companies of Men are now embodied & on service at Cincinnati under authority of the United States; please give my best respects to the Generals Gano & Findlay, tell them I long to hear that you at Cincinnati have been as fortunate in securing Tyler's Boats as my friends Buell and Meigs have been at Marietta in arresting Blennerhassett. Ohio deserves and will assuredly get great credit with the general Government & the Eastern States for its patriotic efforts on this occasion."

The third letter is dated "at Night," December 24th:

"I have just received yours of the 22d and avail myself by return of the Mail which starts before day in the morning to write to you.

"On Sunday night the 14th inst I received Orders from the Secretary of War of the United States, to raise 150 or 200 Volunteer Militia, for the purpose of arresting the flotilla on the Muskingum &c. That same night I received news from Marietta that it had been arrested in obedience to orders I had previously

sent for that purpose. I therefore thought it best to direct one Company of Militia to be immediately raised at Marietta (under these orders) to guard & keep safe the flotilla already arrested and to endeavor to watch the River Ohio &c; and as I had been informed several Boats under the direction of Comfort Tyler had passed Marietta the night before the above arrest took place & were then at Blennerhassett's Island, I dispatched the same night John Bates post haste to Cincinnati with a communication to General Gano, requesting him to appoint for me the necessary officers & direct the enlisting immediately of two companies of Volunteer Militia. Mr. Bates my Express returned & brought me a letter from General Gano dated the 15th inst, the day before Bates arrived at Cincinnati and was only an answer to my former communication, not a word was said about the receipt of my orders by the express. I questioned Bates particularly whether he delivered the papers to General Gano, being fearful he has lost them, as I thought the General would certainly have acknowledged their receipt, he declared to me he delivered all the papers into the General's own hand. I therefore expected this Mail would certainly have brought me a letter from him giving me an account how he had acted under the Orders and if the Men were raised, but I am disappointed herein for he had not dropped me a line, neither does your letter mention the subject. I therefore am in great uncertainty whether my Express did deliver the Message (notwithstanding his assertions) or he surely must have lost the General's letter to me.

"I therefore inclose a copy of the Secretary's Letter to me and another letter to General Gano, which I will thank you to deliver him & show him this letter also. I had wrote to the Secretary of War & explained my reasons for not ordering all the Men to be raised & Marched to Marietta & which I am sure would meet his approbation.

"I wish all our Men who were drafted for a six days term of duty discharged: relying upon the two Companies to be raised under the authority & in the pay of the United States to be sufficient for the present service. I want a return of the names of the officers appointed and the men enlisted sent to me & the commanding officer to see that proper muster and pay rolls are duly kept. I expect John Smith Esq. will issue rations to them as the United States will pay him, if not, they will be paid for their rations if he does not, & they will have to find themselves; as the duty will be light and the officers will have horses, perhaps they by turns can save the State expense by keeping up a communication between Columbia and Cincinnati, either by themselves or by some of the Men of the Companies.

"I am sorry you could not justify an arrest of the two flat bottomed boats & keel, commanded by young Neville & Wilkins as I have no doubt of their being part of the expedition. I hope I shall have my mind eased by knowing by next post whether my Express delivered General Gano my Orders or no, and how you have progressed under them; if an opportunity occurs sooner pray dont fail to write. Accept my thanks for your prompt attention & communications heretofore and believe me to be with great regard."

In order to preserve entire the record of events of this period, it is necessary to place before the reader two more important official documents that form an essential part of the history of Aaron Burr's operations in Ohio. The first is the second special message of Governor Tiffin reporting his proceedings, and the results under the extraordinary act of the General Assembly; the second is the joint resolution adopted by that body relating to Senator John Smith. They complete substantially the official proceedings relative to the most important political event of this period.

This second message dated December 15th, is as follows:

"To the General Assembly of the State of Ohio.

"I now communicate to the representatives of the people such operations as have taken place under the act passed this session, to prevent certain acts hostile to the peace and tranquillity of the United States, within the jurisdiction of this state, and that they may be fully possessed of what has already occurred, and is still in train.

"Immediately upon receiving the law, after its passage, I dispatched an express to Marietta, with orders to arrest the flotilla on the Muskingum River, and the agents engaged in its preparation, and to make due inquiry after such proof as would lead to their conviction, as also to prevent any armament proceeding, that might be descending the Ohio, if possible. The execution of the operations at Marietta were entrusted to judge Meigs and major general Buell. I also dispatched orders to Cincinnati, to plant one or more pieces of artillery on the bank of the Ohio,

to keep patrols up the river, at proper distances, in order to give notice in due time, of the approach of all boats, either singly or in numbers, and to call out a sufficient force to be able to meet 300 men, the number I expect might be with Blennerhassett's and Comfort Tyler's flotillas, if they should effect a junction, and lest they might attempt to pass in detachments of one boat at a time, not to suffer a single boat to pass, without an arrest and examination. The execution of these operations was entrusted to generals Gano, Findlay, and judge Nimmo. I have also given authority to Jacob Wilson, esq. of Steubenville, to act, if occasion offers for his interposition, in that quarter, and it gives me pleasure to inform you that I have, last night, received a communication from judge Meigs, of Marietta, announcing the complete success of the operations intrusted to him and general Buell, and whose patriotic efforts entitled them both to my warmest thanks.

"It is suspected notice was conveyed the Blennerhassett's island of the passage of the law, and the preparations making here to carry it into immediate effect; for it appears that in the night of the 9th inst. Comfort Tyler passed Marietta with a number (not yet ascertained) of fast rowing boats, with men armed indiscriminately with muskets, pistols and cutlashes, and anchored at the island, and immediately sent an express after Blennerhassett, who was hurrying on his flotilla; that upon discovering the movements of our militia they fled full speed to the island, which was guarded at night by sentinels and lighted lanthorns at proper distances, and none suffered to pass to it

except by countersign or watchword. Spies were also placed at Marietta, to give notice of the movements there; in the meantime general Buell, by the direction of judge Meigs, with a detachment of militia, proceeded up the Muskingum at night, and arrested ten of the batteaux, as they were descending the river to join Tyler's forces; they were so hurried that four more of the batteaux, were not got ready to embark and would also be seized, which is, I believe, the whole of the Muskingum flotilla. There were near 100 barrels of provisions seized on board, and 100 more which had not been put on board and which I expect he also seized with the same remaining batteaux; these batteaux are each forty feet long; wide and covered; and calculated each to carry one company of men. It is believed notice was immediately given to the island of this seizure, for in about three hours afterwards, on the same night, Blennerhassett and Tyler made their escape from the island, and have pushed, it is said, through Kentucky. Colonel Phelps of Virginia, with a few mounted men, are in pursuit of them.

"I expect Tyler's boats will descend the Ohio, to meet him and Blennerhassett at some point low down the river, and I have no doubt that general Gano will render a good account of them as they attempt to pass Cincinnati.

"I also received last night a communication from the secretary of war of the United States, by direction of that government, requiring me without delay to raise 150 or 200 volunteer militia, to be formed in companies with one field officer, one captain, two subalterns and 70 men, commissioned officers, privates and

musicians to each company, in the pay of the United States, and direct them to march to Marietta, with orders to seize the Muskingum flotilla and prevent it from being removed until further orders from the president. But finding that this service was in part effected, I have ventured, from the necessity of the case, to vary in some degree from these instructions, and which I hope will meet the approbation of the general government and also yours. I have sent orders last night, to Marietta, to raise one company of volunteers, to be composed of one major, one captain, two subalterns and 60 men, commissioned officers, privates and musicians, which I have thought sufficient to guard and keep safe the flotilla and stores already arrested; and have also dispatched an express to Cincinnati, with orders to raise two companies as above, each. As I thought the most force wanted there to relieve the militia previously ordered out, and to secure Comfort Tyler's flotilla while descending the Ohio, if it was not already done. I have no doubt that these three companies will be instantly under arms, and that this hitherto mysterious enterprise frustrated, and the intended evil leveled at the peace and tranquillity of the United States, will fall with all its weight on its projectors."

Edward Tiffin.

Chillicothe, Dec. 15th, 1806.

The joint resolution against Senator Smith (which was instigated by his enemies without notice to him, and while he was at Cincinnati doing all that he could to intercept Burr's boats) was in the following words:

FACSIMILE OF COMMISSION OF GOVERNOR TIFFIN TO MATHEW NIMMO OF CINCINNATI

Authorizing him to act as the Governor's agent in the military movement against Aaron Burr. From the original in possession of the Ohio State Archaeological and Historical Society, Columbus.

FACSIMILE OF COMMISSION OF GOVERNOR
LIVEN TO MATTHEW NIMMO OF OIN INNATT

Authorizing him to act as the Governor's aid-de-camp
military provost marshal, Army [illegible]. From the original
in possession of the Ohio Sta[illegible] Archeological and His-
torical Society, Columbus

Edward Tiffin Governor in the name and by the authority of the State of Ohio

To all who shall see these presents greeting

Know ye that we have appointed, and constituted, and do by these presents constitute and appoint Mathew Nimmo Esquire, an Agent agreably with the provisions of an act of the General Assembly passed the sixth day of December in the year of our Lord one thousand eight hundred and six intitled "an act, to provide more fully for the peace and tranquility of the United States &c" with full authority to Issue his Warrant or Warrants, and to call out the power of the State to enforce their due execution, and to do all other such matters & things as by the provisions of the before recited act he as Agent for the Governor is duly authorized to do,

In Witness Whereof the said Edward Tiffin Governor of the said State of Ohio hath caused the great seal of the said State to be hereunto affixed, done at Chillicothe in the said State the 11th day of December in the year of our Lord one thousand eight hundred & six and of the Independence of the United States the 4th

Edward Tiffin

"Whereas, It is the opinion of the General Assembly that in the present interesting crisis it is necessary, that every public officer should be at his post, and that all public functionaries should possess the confidence of their constituents, and

"Whereas, It appears that John Smith, Esq., Senator in the Congress of the United States from this State, has not, from certain considerations to us unknown, attended to the duties of that important office, therefore,

"Resolved, by the General Assembly of the State of Ohio, That it be, and is hereby recommended to John Smith, Esq., that he resign his seat in the Senate of the United States, unless he proceed immediately to his post, and that the Governor be, and he is hereby requested to forward a copy of this resolution to the said John Smith, Esq."

To read this official narrative with its solemn messages, dignified letters and high-sounding resolution, one is led to believe that the State was in a dire crisis, and that at Marietta and Cincinnati all the "pride, pomp and circumstance of glorious war" held sway. As a matter of fact the proceedings at both places approached nearly to farcical. Under command of Major General Buell of Marietta, on December 9th, the boats, stores and possessions in the Muskingum River were forcibly seized. An array of raw and undisciplined militia, composed of hardy young pioneers out more for a frolic than war, stationed themselves with cannon along the Ohio River to wait for the dread forces expected from above.

The general public refused to take the situation seriously, and many amusing tricks were played off at the expense of the militia. One night when the sentries were watching for the enemy, an empty tar barrel was placed on an old boat, fired, and set adrift to float down the river. Consternation was spread among the military, and all were sure that the expedition was moving down the stream. Shots were fired and an attack made, but only to find the movement was a hoax.

A waggish rhymester, said to be General E. W. Tupper, one of the commanding officers, wrote a mock-heroic ballad commemorating the humors and absurdities of the campaign. It was entitled "The Battle of Muskingum, or the Defeat of the Burrites," and was sung for many years afterward up and down the river.

Whatever seriousness there was to this military campaign was at Blennerhassett's Island. A few nights before the seizure of the boats on the Muskingum, Comfort Tyler, one of Burr's trusty lieutenants arrived from Pittsburg with four boats and twenty young men claiming to be settlers bound for the Washita; as Tupper's ballad said,

> "A few young boys, their mother's joys,
> And five men there were found, sirs,
> Floating at ease—each little sees
> Or dreams of death and wound, sirs."

When Tyler met Blennerhassett on his arrival he found him much discouraged at the turn things had taken and almost resolved to give up the project. However, with the firm and persuasive attitude of his wife,

who had taken hold of matters with heroic enthusiasm, and the arrival of Tyler's "forces" he regained his vigor and cast his fame and fortune with Burr. It is not to the credit of the militia that Blennerhassett and Tyler escaped. It is probably explainable by a verse in the ballad:

> "This band so bold, the night being cold,
> And a blacksmith's shop being handy;
> Around the forge they drink and gorge
> On whiskey and peach brandy."

At any rate, at midnight of December 10, the four boats with their occupants, when everything was quiet, slipped into the rapid current of the Ohio and sped downward on their way to meet Aaron Burr.

The next day the Virginia militia invaded the island. A few days after a party of fourteen young men on their way to join the expedition were arrested and taken to Blennerhassett's house for trial before three justices of the peace. Mrs. Blennerhassett was at Marietta, and the commanding officer of the militia was absent. The soldiers were tired of warfare; the young men were all discharged for lack of evidence against them. With nothing to do, the soldiers turned to looting the magnificent home. They found wine and brandy in the cellar, and thereupon proceeded to convert themselves into drunken vandals. The beautiful home that had been the wonder and pride of the West, with its elegant furnishings and surrounding shrubbery and gardens, was wrecked. When Mrs. Blennerhassett returned from Marietta, she viewed the ruins with indifference. She wanted to join the expedition, and with the party of young men she ob-

tained a boat, and leaving a reckless soldiery in possession of her home, on December 17, she started to join her husband and his associates.

It was now apparent, even amid the exaggerated rumors of the time and the ridiculous events occurring, that the Burr movement was on the eve of a collapse. This was due to the fact that the proclamation of President Jefferson and the messages of Governor Tiffin had practically made Burr an outlaw, and no enterprise, however honorable or peaceable, could succeed with that condemnation. So the question now became one of successful flight and escape.

Cincinnati at the time of these exciting movements was likewise the center of great agitation. Express messengers were riding rapidly and frequently between that point and Chillicothe, as we can well infer from the Governor's correspondence. *The Western Spy*, of December 23, published the news that Comfort Tyler, Blennerhassett and their boats had quietly passed the city, and *The Liberty Hall* ridiculed the people for being tumultuous with fear. Every publication, rumor, and letter from the Governor added to the increasing excitement.

In the midst of this danger it was discovered by General John S. Gano and General James Findlay, the commanding officers of the militia, that there were not sufficient arms to meet the enemy when the invasion should occur. Accordingly they called on Major Thomas Martin, commandant of the United States barracks across the river at Newport. Major Martin refused to permit any arms or ammunition to leave the barracks except by orders of the Secretary

of War. Generals Gano and Findlay in despair called upon Senator Smith and asked him to help them under the pressing circumstances. That night, December 16, Senator Smith called upon Major Martin and endeavored to persuade him of the propriety and necessity of furnishing the arms. What happened is interestingly told in Senator Smith's own words in his testimony subsequently given to the United States Senate.

Referring to the Commandant's refusal and the result, Senator Smith said:

"Like a faithful soldier, I found him unwilling to do an act without an order, and in the hurry of business the war department had omitted to issue this order, without which, unless Major Martin would consent to yield the necessaries, it was ridiculous to call the militia of Ohio into service.

"In this situation, I urged him to yield the necessary supplies; he refused; again I pressed, and again was refused. At length, influenced by the importance of the occasion, and by the ardent desire which I felt to enforce every order of government, I came forward and offered to indemnify him by my obligation for ten thousand dollars, that he should not be injured by their delivery. Still he paused; and objected that he was an old man, trained only to arms, and worn down in the service of his country, and by doing this act he might incur the displeasure of the war department, and be removed from office. It was at this moment that an increasing ardor for the service of the nation induced me to assure him, that if he was for this act dismissed from service, I, from my own

private funds, would afford him a higher and better support than he received from the government. He yielded, and the arms and ammunition were procured; he relied on my honor for his support, and in consequence of my representations to the President and to the war department, his salary was increased one hundred dollars per annum. This fact speaks for itself. For the arms and ammunition I had to give a receipt and obligation for ten thousand dollars, which is now outstanding against me. In the dead of night, these necessary supplies were furnished, and early the next day an effective force was established at Cincinnati."

This is what Senator Smith was engaged in while his enemies were requesting his resignation at Chillicothe.

It is needless to say that there was but little use for the militia. The local papers give information of one occasion when the force was called out as the result of the pranks of a town wag. It appears that late one day during the "war" three boats anchored in the river to lay to for the night. Immediately the rumor spread that they were a part of the Burr expedition. When the shades of night fell, bombs were heard exploding, and the whole town was in an uproar. The night was passed in expectancy and terror. The next day it was discovered that the firing was by a fun-loving joker, and that the boats were loaded with dry goods bound for Louisville.

When Mrs. Blennerhassett with her two children left the island, it was in the flatboat of Morgan Neville and others of Pittsburg, all young men of

good standing and character, bound to join the Burr expedition in the Mississippi River. It will be remembered that they had been subjected to arrest and discharged upon examination. In their boat, rooms had been fitted up for their fair refugee companion, her family and servants, with all the comfort and elegance that could be transferred from the island home. This made it homelike to the point of luxury. They arrived without interruption at Cincinnati. At this point their boat was detained by the authorities for search and seizure, but the most careful scrutiny failed to find the slightest evidence of military intent, and the boat was permitted to proceed on its journey.

With this departure there disappeared from Ohio Waters the last tangible evidence of Aaron Burr's vision of a Mexican invasion. To complete the story the final days of his plans may be written. At Bayou Pierre, thirty miles above Natchez, he was arrested by the Mississippi militia. He was turned over to a Grand Jury, which, after hearing all the evidence against him, refused to bring in an indictment. On the contrary, they presented as a grievance, "the late military expedition unnecessarily, as they conceive, fitted out against the person and property of the said Aaron Burr, when no resistance had been made to the civil authorities." Notwithstanding this, the court refused to discharge him, and Burr fled, only to be arrested later and conveyed to Richmond for further prosecution and trial.

With all the power of Jefferson's administration against him, there could not be found sufficient evidence

to find him guilty of treason and for the fourth time he was acquitted of that charge. Blennerhassett having also been discharged in Mississippi Territory, was afterwards arrested and taken to Richmond where an indictment was found against him which was afterwards abandoned.

President Jefferson was bitterly disappointed at the outcome of the Richmond trial. But there was one quarter that he had turned to with an expectancy in the crisis and it had never failed him. That was Ohio. He was more than gratified at the loyal support given him by the Jeffersonian Democracy of that State. This he publicly expressed in a letter to Governor Tiffin written February 2, 1807:

"Sir: The pressing business, during a session of the Legislature, has rendered me more tardy in addressing you than it was my wish to have been. That our fellow-citizens of the West would need only to be informed of criminal machinations against the public safety, to crush them at once, I never entertained a doubt.

"I have seen with the greatest satisfaction that among those who have distinguished themselves by their fidelity to their country on the occasion of the enterprise of Mr. Burr, yourself and the Legislature of Ohio have been the most eminent.

"The promptitude and energy displayed by your State has been as honorable to itself as salutary to its sister States, and in declaring that you have deserved well of your country I do but express the grateful sentiment of every faithful citizen in it.

"The hand of the people has given the mortal blow

to a conspiracy which, in other countries, would have called for an appeal to armies, and has proved that government to be the strongest of which every man feels himself to be a part.

"It is a happy illustration, too, of the importance of preserving to the State authorities all that vigor which the Constitution foresaw would be necessary, not only for their own safety, but for that of the whole.

"In making these acknowledgments of the merit of having set this illustrious example of exertion for the common safety, I pray that they may be considered as addressed to yourself and the Legislature particularly, and generally to every citizen who has availed himself of the opportunity given of proving his devotion to the country.

"Accept my salutation, and assurances of great consideration and esteem."

Thomas Jefferson.

In Ohio there was an aftermath to the exciting work just ended. The bitter feeling engendered against all who were in the least suspected as being friends or associates of Burr was typified by the persecution of Senator Smith. From the time of the action of the Legislature requesting, conditionally, his resignation, he was pursued relentlessly by his political enemies. And this, too, notwithstanding that he had lent all of his influence and fortune toward carrying into effect the President's proclamation.

That the President approved the movement against Senator Smith can safely be inferred from the fact that

the promoters of it in Ohio were the old Virginia contingent led by Governor Tiffin, and Nathaniel Massie in the Legislature. The latter was made chairman of the committee to which was referred the Governor's special message relative to the Burr expedition, and which promptly reported the legislation by which it was broken up. In "The Life and Times of Lewis Cass," by W. L. G. Smith, it is stated that Jefferson gave to Governor Tiffin authority "to remove every postmaster west of the mountains who should be reasonably suspected of being unfriendly to the unity of the nation." That is, in any way being under his suspicion as an associate or friend of Burr.

The bitterest of all political controversies is that of factions within a party. Where partisan opponents refuse to lead in slander, cruelty and unfairness, the faction fighter will go with the deadliest intent. He spares neither honor, reputation nor gray hairs. This was the character of the fight against Smith; it was waged against him by his own party associates and by men who knew him to be honest and patriotic. He was not the politician that his enemies were. His political honors came from sheer personal popularity and not through intrigue or power. His place was wanted by others, and the Burr excitement offered the opportunity. The plan to unseat him was developed in the Ohio Legislature and soon transferred to the United States Senate. Governor Tiffin was elected to this body January 1, 1807, and took his seat as Senator at the extra session of the Tenth Congress, October 26 of the same year.

The Senate, without division, adopted, on November 27, a resolution providing for the appointment of a committee "to inquire whether it be compatible with the honor and privileges of this House that John Smith, a senator from the State of Ohio, against whom bills of indictment were found at the Circuit Court of Virginia, held at Richmond in August last, for treason and misdemeanor, should be permitted any longer to have a seat therein; and that the committee do inquire into all the facts regarding the conduct of Mr. Smith as an alleged associate of Aaron Burr, and report the same to the Senate." John Quincy Adams of Massachusetts was made chairman of the committee, and on the same day Senator Smith through his colleague, Edward Tiffin, notified the Senate that he was ready for a public examination of the charge against him, and asked an opportunity to vindicate his innocence.

The investigation was long and far-reaching, consisting of much documentary evidence and oral testimony. Francis Scott Key, the author of the immortal "Star Spangled Banner," was one of Senator Smith's counsel. The testimony most relied on by the committee, for it was organized to convict, was that of one Elias Glover of Cincinnati, a fugitive from justice in the State of Connecticut, and at one time a great friend and admirer of Burr. The veracity of this witness was completely broken down. All of these proceedings with the testimony are extant in the "Report of the Committee appointed to inquire into the facts relating to the conduct of John Smith, a Senator of the United States from the State of Ohio, an alleged associate of Aaron Burr," printed by order of the

Senate, December 31, 1807. In this also will be found a full statement by Mr. Smith of his own defense. It is frank and manly and clearly answers all the charges made against him. The debates on the subject may be found in the "Abridgment of the Debates of Congress," Volume III. These buried documents reveal to the student of to-day the controversy, and he will be forced from fair play to conclude that the whole affair was a political persecution from first to last.

The report made by Mr. Adams concluded by a resolution expelling John Smith from the Senate. He took the ground therein that the Senate was not bound by any rules of investigation on a motion to expel, as courts were, to establish guilt, but that only such evidence as raised a strong presumption of guilt was necessary. At the time of this proceeding, Burr had been acquitted and *nolle prosequis* had been entered on the indictments against John Smith and others. Therefore the guilt of Burr or any of the others could not be established on legal grounds. So Mr. Adams in his report creates a fiction and assumes that Burr's expedition was treasonable, contrary to Chief Justice Marshall's decision at Richmond, and also that a connection with this treasonable act could be established against John Smith so far as necessary to satisfy the Senate, by evidence which had been pronounced insufficient in a court of law.

This rule left Senator Smith at the mercy of his enemies, and every act of his and every piece of rumor and gossip testified to by unfriendly witnesses, were construed to establish his connection with Aaron

Burr. Even his efforts to arrest the expedition by procuring arms for the militia were considered evidences of guilt, though one Senator admitted that had he taken no such part, and stood idle after the President's proclamation, it would have been stronger evidence against him.

The administration did its utmost to procure the necessary votes for expulsion. Nor was Senator Smith without strong friends and defenders. Senators Hillhouse of Connecticut, Giles of Virginia and Pope of Kentucky all made able arguments dissecting the evidence produced against him. They showed that the evidence of Smith's principal accusers was not only unworthy of credence, but they themselves were interested with Burr. After considering and debating the subject for more than three months, the vote was taken April 9, 1808, nineteen Senators voting for expulsion and ten against. As it required a two-thirds vote to expel a Senator, the resolution of expulsion failed to pass. It was a party vote, the friends of President Jefferson, without exception, voting against Senator Smith. While Senator Tiffin took no part in the discussion he voted for the expulsion of his colleague.

Senator Smith, realizing that his usefulness as a member of the Senate was gone, resigned in a letter to Governor Kirker. On December 10, 1808, Return Jonathan Meigs, Jr., was elected to fill the unexpired portion of the term of John Smith, and on the next day he was also elected for the full term commencing March 4, 1809. Returning to Ohio, Mr. Smith after closing up his business affairs, removed to St. Francis-

ville, Louisiana, where he died in 1824. In his latter days he resumed the preaching of the Gospel, and free from the turmoil and intrigue of politics, he closed his life in peace and contentment.

Chapter VIII.

OHIO AND THE WAR OF 1812
THE ARMY AT DAYTON
THE SIEGE OF FORT MEIGS
DUDLEY'S DEFEAT AND MASSACRE

THE second war with England, usually called the "War of 1812," was declared by the United States, June 18, 1812. It grew out of a long series of aggressions on the part of Great Britain that were a provocation to, and an attack on our national pride and independence. In her arrogance England assumed the right to search American ships and impress therefrom into her service all seamen who had at any time been British subjects, claiming that "once an Englishman, always an Englishman." In doing this, many American born citizens were impressed, as well as duly naturalized citizens who were entitled to the protection guaranteed by the Constitution of the United States. The most outrageous instance of this practice occurred in 1807; the American frigate, "Chesapeake," commanded by Commodore Barron, was fired on by the British frigate, "Leopard," and compelled to deliver four American seamen. This event greatly angered the American people, and aided in the formation of a war sentiment.

In violation of former treaties Great Britain maintained forts and posts on American soil, and encouraged numerous barbarities by Indian tribes, even going to the extent of paying the savages for American scalps. Everything that could be done to exasperate this country England tried. One event in particular created intense indignation among the American people. Some of the retaliatory legislation of Congress against England created much dissatisfaction in New England, and it was reported that the Eastern States

would secede from the Union. Hearing of this report Sir James Craig, the Governor General of Canada, employed a secret agent named John Henry to go into New England "to make observations and report the prospects, in case the foreign difficulties should be continued, of a division of the United States." This agent spent three months "feeling out" public sentiment, and found no disunion opinions, but rather opposition to the legislation. He made regular reports to the Canadian authority. When he had concluded his work he applied for his pay, which was refused him.

Furious at this treatment, he presented himself to President Madison and sold him all the papers and correspondence of his mission, including important letters of the British Ministry, for $50,000. Madison turned over all these papers to the Twelfth Congress in March 1812. England in the meantime was continuing her depredations on our vessels, and this Henry affair was the last straw. An intense war feeling was prevalent everywhere except in New England. There seemed to be no other manly course left but to fight. Henry Clay, the Speaker of the House of Representatives, in a speech in Congress on England's attitude, said: "We have complete proof of her capture of our ships, in her exciting our frontier Indians to hostility, and in her sending an emissary to our cities to excite civil war, and that she will do anything to destroy us. Our resolution and spirit are our only dependence." The act declaring war followed. It was vigorously opposed by the Federalists, but Clay represented the desires and sentiment of the

American people when he declared that the war would be just, and would have for its object "free trade and sailors' rights against the intolerable and oppressive acts of British power on the ocean."

The war in which the Nation was about to engage placed the young State of Ohio in a most trying situation. By virtue of her position it would be largely fought within or adjacent to her boundaries. It demanded of her the best of her resources both in men and money. She was amply able to meet all these demands, and did so with patriotic promptness. That Ohio could do this was due to the fact that she had a remarkable growth in the first decade of the nineteenth century. The population in 1803 was slightly over 45,000; in 1810 it had increased to 230,750. She was therefore enabled when the call to arms came to send to the field more than her share of defenders, thus contributing to the glory of the Nation and to her own patriotic record.

It was fortunate for Ohio that Return Jonathan Meigs, Jr., occupied the gubernatorial chair at this critical period. He was one of the type of men that did so much to lay the foundations of the State. He was born at Middletown, Connecticut, in 1765. He came to Ohio with his father, Return Jonathan Meigs, in 1788 as one of the original settlers at Marietta. The senior Meigs was a valiant Revolutionary officer, with a brilliant record at Long Island, Stony Point and Quebec. Return Jonathan Meigs, Jr., graduated with honor at Yale in 1785, and thus, like many of the Ohio pioneers, he took with him into the Western country the culture and refinement of his native

State. Pioneer life had attractions for him. He loved its free and adventurous spirit, and entered into close companionship with the leaders of the new country. In 1803-4 he was a judge of the Supreme Court of Ohio, a position which he resigned to accept from President Jefferson the appointment of commandant of the United States troops and militia of the St. Charles District of Louisiana. This afforded him a military experience that was useful to him in subsequent years. He also served as a member of the Supreme Court of that Territory for 1805-6. In 1807 he was appointed judge of the United States District Court of Michigan Territory. This commission he resigned in October of the same year to become a candidate for Governor of Ohio. He received a majority of the votes cast for this office, but was declared ineligible. In a former chapter (V) the details and facts connected with this contest are given. He was elected to the United States Senate from Ohio and served from January 6, 1809, to May 1, 1810. In this year he was elected Governor, in which position he continued until March 25, 1814, when he resigned to accept the Postmaster-Generalship in President Monroe's Cabinet. He filled this place until June 1823, when he retired to Marietta where he died March 29, 1825.

This survey of his life enables us to see that he was one who had the executive force to meet the events as they occurred. It can truthfully be said of him that during this war he did more than any other governor to aid the country by a prompt organization of the militia. When mutterings of the conflict with

Great Britain were heard, Governor Meigs was quick to realize the importance of his position and the necessity for prompt and vigorous action in anticipation of the coming struggle. The National government had ordered him to mobilize 1200 men, preparatory to garrisoning the fort at Detroit and effecting a defense against the English in Canada. In response to this call, three regiments of Ohio militia were assembled at Dayton in May 1812; the first from the Scioto Valley, under Colonel Duncan McArthur, the second from the Miami Valley under Colonel James Findlay, and the third from eastern Ohio, under Colonel Lewis Cass. The troops were raised without difficulty. Ohio, even in that early day, was prompt to furnish her quota for the defense of the common country, and more men offered their services than could be accepted under the call. Citizens of the best families readily enrolled themselves in the ranks and eagerly entered the service of their country. No adequate equipment for the little army had been provided, and the troops were obliged to camp without tents. It was the middle of May before blankets and other equipment arrived from Cincinnati.

William Hull, Governor of the Michigan Territory and Brigadier General in the Army of the United States, was appointed to the command of these troops. He came to Cincinnati on April 22, from Washington, accompanied by his aides, Captain Hickman and Captain Abraham F. Hull, his son. He established his headquarters at the Columbian Inn, on the southwest corner of Main and Second Streets, then the principal tavern of the town. During the last of

April and the first week of May he made his arrangements for the necessary supplies and transportation of the army. In the latter part of May he proceeded to Dayton where on the 25th, Governor Meigs turned over to him the command of the Ohio troops as directed by the Secretary of War.

The Governor addressed the troops and congratulated them that they were to serve under a distinguished officer of the Revolutionary War, who, as superintendent of Indian affairs and Governor of the Michigan Territory, to which they were about to march, was especially fitted by training and experience to conduct successfully the campaign that had been planned. Colonel Lewis Cass aroused much enthusiasm in a few well directed words.

General Hull then addressed the troops, and created a most favorable impression. He commended their patriotism, spoke of the necessity of rigid discipline, and concluded as follows: "In marching through a wilderness memorable for savage barbarity, you will remember the causes by which that barbarity has been heretofore excited. In viewing the ground stained by the blood of your fellow-citizens, it will be impossible to suppress the feelings of indignation. Passing by the ruins of a fortress, erected in our territory by a foreign nation in times of peace, and for the express purpose of exciting the savages to hostility, and supplying them with the means of conducting a barbarous war, must remind you of that system of oppression and injustice which that nation has continually practiced, and which the spirit of an indignant people can no longer endure."

MAP SHOWING HISTORIC SITES OF NORTHWESTERN OHIO

Made specially for this work from official maps and data prepared by General O. M. Poe under an act of Congress passed, May 24, 1888.

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LAKE ERIE
MAUMEE BAY
MIDDLE SISTER ISL.
W. SISTER ISL.
E. SISTER ISL.
PERRY'S VICTORY SEPT. 10, 1813.
PUT-IN-BAY ISL.
CATAWBA
GEN'L HARRISON'S CAMP SEPT. 1813.
OTTAWA
SANDUSKY
FREMONT
WOOD
WILLIAMS
FULTON
DEFIANCE
HENRY
PAULDING
PUTNAM
VAN WERT
ALLEN
HANCOCK
SENECA
WYANDOT
CRAWFORD
MARION
MERCER
AUGLAIZE
HARDIN
LOGAN
UNION
DELAWARE
HELBY
DARKE
MIAMI
CHAMPAIGN
CLARKE
FRANKLIN
TOLEDO
FT. INDUSTRY
DUDLEY'S DEFEAT 1813.
BLT. 1794.
FT. MIAMI BLT. 1785.
FORT MEIGS BLT. FEB. 1813
BATTLE OF FALLEN TIMBERS AUG. 20, 1794
FT. DEPOSIT BLT. 1794
OLD SANDUSKY
PORTAGE RIVER
PORTAGE ROAD
BOWLING GREEN
FT. STEPHENSON BLT. 1812.
FT. SENECA BLT. 1812.
FT. BALL
TIFFIN BLT. 1812.
FT. DEFIANCE BLT. 1794.
FORT WINCHESTER BLT. OCT. 1812.
MAUMEE RIV.
NAPOLEON
MAUMEE
BRYAN
DEFIANCE
PAULDING
OTTAWA
FT. JUNE, 1812
FINDLAY BLT. JUNE 1812.
FINDLAY
HARRISON'S AUGLAIZE RIV.
FT. JENNINGS BLT. SEPT. 1812.
VAN WERT
FT. NECESSITY
BLT. JUNE 1812.
DETROIT TO WARD
CRAWFORD'S DEFEAT, JUNE 1782.
UPPER SANDUSKY
FT. FERREE BLT. 1812.
BUCYRUS
LIMA
ST. MARYS RIV.
FT. ADAMS BLT. 1794.
ARMY OF AUGLAIZE
COMMAND
FT. AMANDA BLT. OCT. 1812.
KENTON
FT. M'ARTHUR
BLT. JUNE 1812.
GEN. HARRISON'S CAMP
MARION
CELINA
GRAND RES.
ST. MARYS BLT. 1794.
WAPAKONETA
FT. RECOVERY BLT. IN 1793.
ST. CLAIR'S BATTLE GROUND. NOV. 4, 1791.
CLAY'S
LIMESTONE RES.
SHAWANOE SETTLEMENTS 1786
HULLS MARCH TO
LORAMIE RES.
FT. LORAMIE BLT. 1794.
BELLEFONTAINE
SCIOTO RIV.
HARRISON'S TRAIL
DELAWARE
ST. CLAIR'S MARCH, 1791.
FT. GREENVILLE BLT. 1793. TREATY OF PEACE.
GREENVILLE
SIDNEY
MARYSVILLE
ROUTE OF
FT. PIQUA BLT. 1812.
MIAMI RIVER
TROY
URBANA
GEN. HULL'S CAMP 1812.
MAD River
FT. JEFFERSON BLT. OCT. 1791.
CAMP FRANKLINTON
COLUMBUS

There was in this address nothing to suggest an unfortunate termination of the campaign upon which the little army was about to venture with enthusiastic anticipations. General Hull had served in the Revolutionary War with credit, and had won honors under General Anthony Wayne at Stony Point; but he was now old and fat, and had lost his energy both of body and mind. A more unfortunate selection could not have been made to lead this campaign. Nevertheless, his dignified and soldierly bearing, with his eloquent words, inspired confidence, and the troops began their northward march with every assurance of success.

While at that early day Ohio had made remarkable progress, and in many portions of the State the forests were giving way to cultivated farms, the means of communication and transportation were of the most primitive character. For the most part the road to the northwest was over miry wagon trails and along the outskirts of impassable swamps. The overarching branches were the chief protection against the inclement weather. Ague chills shook the sturdy frames of the pioneer soldiers. The ambuscade of the savage foe was ever imminent, and danger lurked in many forms by the river bank and the portage trail. It is not necessary to say that under these conditions the movement of the troops was necessarily slow and hazardous.

When the troops reached Urbana they were joined by a regiment of regulars under Lieutenant Colonel Miller, a veteran of Tippecanoe. From this point General Hull, with a force of about 1900 men, marched through forests and marshes, and after enduring many

hardships, arrived at the Maumee Rapids the latter part of June. Here the bad judgment of Hull began to be manifest. In spite of the fact that he knew the English were in force on the western shore of Lake Erie, he transferred to a schooner the sick, with the stores and baggage of the army, including even his military papers. The schooner proceeded down the Maumee into the Lake and when opposite Malden, was captured by a British gunboat. Hull's military papers, including instructions and plans of the campaign, were at once forwarded to General Brock, the military Governor of Canada. In the meantime the English were on the alert and were making vigorous preparation to concentrate their forces at Malden, a fort on the eastern bank of the Detroit River and not far from its entrance into Lake Erie.

After many delays General Hull's army arrived at Detroit, July 5. His forces were easily superior to the enemy and by prompt action he might have overthrown the British before their reinforcements arrived. He did not choose to do this, but rested contentedly in the security of the fort. General Brock, taking advantage of this delay, gathered a large force of English and Indians. To the latter under the leadership of Tecumseh, and numbering fully 1,000 he held forth the alluring prospect of restoring their hunting grounds north of the Ohio River. The Indians were pleased with his confident assurances. In a subsequent interview Tecumseh and other chiefs pledged their united support against the Americans. The British and their Indian allies then proceeded to Sandwich, opposite Detroit, which was evacuated at

their approach, and planted a battery for the reduction of the fort within the walls of which Hull had collected his forces. The American artillerists wished to fire upon the battery as soon as it was unmasked, but Hull forbade this and the enemy proceeded without molestation in their preparation for an assault. The indecision and timidity of their general greatly exasperated the Americans. In the presence of the enemy he seems to have been the prey of conflicting purposes and emotions. Unfortunately at this critical juncture he had sent two of his ablest officers, Colonels Cass and McArthur, to open up communication with the River Raisin. He was deceived by letters intended to be intercepted, into the belief that Brock's army had been reinforced by a large force of British regulars. He peremptorily refused to permit Captain Snelling to cross the river and make a night attack on the works of the enemy. In his trepidation he magnified the real dangers of the situation. The enemy was gradually hemming him in on every side. His supply of provisions was running low, and he saw little prospect of receiving more from Ohio. If the fort should be taken after a battle he feared that there would be a general massacre of the garrison and inhabitants by the Indians.

When Brock had completed his preparations for an attack, on August 15, he summoned Hull to unconditional surrender, and declared that the large body of Indians attached to the British army would be beyond control the moment the contest should commence. He seems to have understood fully how to play upon the fears of the aged American general.

Hull hesitated long before he replied. His officers were confident of their ability to hold the fort and eager to give battle to the enemy, and he finally refused compliance with the demand to surrender. Soon afterward the British bombardment of the fort began. For some time firing was returned with spirit. On the morning of the 16th the British landed without molestation on the American side and advanced upon the fort. With them came Tecumseh and seven hundred of his warriors. As they advanced, Hull ordered his troops to withdraw within the fort, and soon afterward, without consulting his officers, had a white flag of surrender raised above the works. He then arranged with Brock the terms of surrender. His troops and officers deeply sensitive to the disgrace in which they all were involved by this action, were emphatic in their protests.

Colonel Cass afterwards, on September 10, 1812, wrote to the Secretary of War his indignant feeling on this occasion as follows: "To see the whole of our men flushed with the hope of victory, eagerly awaiting the approaching contest, to see them afterwards dispirited, hopeless, desponding, at least five hundred shedding tears because they were not allowed to meet their country's foes, and to fight their country's battles, excited sensations which no American has ever before had cause to feel, and which I trust in God will never again be felt, while one man remains to defend the standard of the Union."

By this shameful surrender the whole of Michigan Territory, the public stores, and all the American troops, including the detachment under Colonels

McArthur and Cass, who were absent, were delivered to the British. Twenty-five pieces of iron and eight pieces of brass ordnance, the latter captured from General Burgoyne just thirty-five years before, fell into the hands of the enemy; also twenty-five hundred muskets and rifles and a large supply of ammunition.

Hull's surrender filled the Nation with indignation, and especially did the people of Ohio display their rage and exasperation at the disgraceful event. Most of the troops were from Ohio, and the State felt the humiliation and disgrace cast upon its brave sons through a betrayal by incompetence and cowardice. Hull was made the subject of denunciation and ridicule through the press. The maker of ballads—more powerful than the maker of laws—embodied him in a popular song, which was sung all over Ohio, and which began,

"Old Hull, you old traitor,
You outcast of Nature,
May your conscience torment you as long as you live;
And when old Apollyon
His servants does call on,
May you be ready your service to give."

General Hull was afterwards court-martialed for treason, cowardice and unofficer-like conduct. He was found guilty of the last two charges and sentenced to be shot. On account of his Revolutionary services, President Madison, while he approved the sentence of the court-martial, remitted it, but General Hull's name was stricken from the army-roll.

The surrender of Hull exposed the entire north-western frontier to the incursions of the enemy. The disheartening news aroused the Americans to vigorous

action for the defense of their country. Throughout the territory menaced, citizens of every rank came promptly forward to offer their services. The crisis demanded a leader whose name would inspire confidence—a military genius who could discipline and mould into an effective army the patriotic but unorganized hosts who were eager to be led against the foe.

The man of the hour, with every requirement for the emergency, was at hand in the person of William Henry Harrison. We have read of his services (Chapter II) as Commandant of Fort Washington, Secretary of the Northwest Territory and its Delegate to Congress, and Governor of Indiana Territory. In all these civic positions he displayed a high grade of commonsense statesmanship. His revision of the land system of the United States, the details of which have been recited, won him the unrestrained confidence of the Western people. His knowledge of the service of the frontier was practical and characteristic, and he acquired this knowledge by becoming a part of its rapidly changing order. The dusky native of the forests was to him at once a concrete, practical problem, and he made him an object of philosophical study. Few men of his time more carefully considered or more thoroughly understood the American Indian. This largely accounts for Harrison's success in dealing with him, whether it was on the battlefield or in the council chamber.

He was keenly alert to the growing dissatisfaction of the Indians under the leadership of Tecumseh and his brother, the Prophet. When Indian hostilities finally broke out in 1811, he led the troops at Tippe-

canoe, where he achieved a signal victory. He was a careful observer of the encroachments of Great Britain, and anticipated long before it occurred, the declaration of war, June 18, 1812. As the popular hero of the West he was naturally expected to act a leading part when the Americans should march forth in battle array. Other leaders sought his counsel, and Governor Scott of Kentucky, after advising with prominent men of his State, evaded a statutory provision, and to the great joy of the people, appointed Harrison to the command of the army of 7,000 men, raised to wipe out the disgrace of Hull's surrender and prevent the threatened incursions of the enemy.

At the head of these troops, Harrison proceeded northward by way of Cincinnati, Lebanon, Dayton, Piqua, and St. Mary's. On his journey he received from Washington information of his appointment to a brigadier-generalship in the army. Later he learned that General Winchester had been appointed to the chief command. At this announcement he was disappointed and the soldiers made many complaints. However, he counseled cheerful acquiescence and loyally supported his superior. Soon afterward when the authorities at Washington were apprised of the true situation, he was appointed to the chief command of the army. He brought his troops to a high standard of discipline and prepared the way for the victories at Forts Meigs and Stephenson and Lake Erie, which were to call forth the acclaim of the nation throughout its subsequent history.

Prior to the appointment of General Harrison as Commander-in-chief, the Americans were not successful

in their frontier campaigns. Although Ohio was doing her duty, the War Department at Washington was slow in grasping the situation and furnishing the necessary supplies. And, in addition to this, the militia commanders failed to maintain the necessary discipline among the troops.

In the summer of 1812 General Edward W. Tupper, of Gallia County, at the head of a thousand militia from Jackson, Lawrence and Gallia counties, marched to the foot of the Maumee Rapids, but the expedition was fruitless in its results. Tupper and his men marched back to Fort McArthur, on the Scioto River in Hardin County.

General Harrison had determined upon a winter campaign for the recovery of Detroit and the Michigan Territory. He dispatched one division of his army under General Winchester to the Maumee Rapids, a strategical point at the head of navigation which commanded the approach to the English positions at Malden and Detroit. The other army division was stationed at Upper Sandusky, where General Harrison employed the men in making roads and bridges and in forwarding to the army on the Maumee, cannon, provisions and heavy baggage.

In a brief survey of the progress to the Maumee Rapids, many exploits of personal daring and thrilling encounters with the Indians must necessarily be omitted from this narrative. While the Indians generally fought with the British, many of them were steadfast in their allegiance to the American cause. A number of unfortunate incidents, however, made the loyal natives sometimes objects of suspicion.

In some instances, a chief would march along with the army, apparently zealous in the work of the campaign, only to be found at last leading the savage foe in a night attack against those for whom he had professed friendship. Others there were, who proved their devotion on the weary march and in the clash of combat. A pathetic instance is here recorded that is worthy of a place in the annals of the State.

Captain James Logan, Shawnee chief, was detailed on a scouting expedition to the Rapids by General Harrison. In company with two companions he set out upon the mission, but encountering the enemy in considerable force, he retreated to the camp of General Winchester, where he truthfully reported the incidents of the excursion. Some of the soldiers who heard him, however, doubted his story and openly accused him of treachery. Keenly sensitive and smarting under the unjust imputation, he firmly and silently resolved that by some daring and desperate exploit against the enemy he would demonstrate his fidelity to the Americans and establish his claim to their confidence and respect. By an exhibition of his worth he would put to shame the calumnies of his accusers.

On November 2, 1812, he set forth with his two companions on a second expedition, determined to bring back a scalp or a prisoner, or die in the attempt. As the little party proceeded toward the Rapids, they unexpectedly fell in with a British officer, the eldest son of Colonel Elliott, and five Indians. Realizing that taken at this disadvantage resistance would probably be in vain, Logan advanced boldly with

assurances of friendship to greet the British officer. Unfortunately, among the Indians under Elliott, was a chief, Winemac by name, who personally knew Logan, and was fully aware of his friendship for the Americans. Nothing daunted, however, the latter persisted that he was going to the Rapids to give information to the British. After some conversation he proceeded on his way, accompanied by Elliott and the five hostile Indians, who suspiciously watched every movement of Logan and his companions. Winemac proposed to the British officer to seize the three and bind them. Elliott answered that they were completely in his power, and that if they attempted to escape he could run them down or shoot them. Logan overheard the conversation. It had been his purpose to travel on until nightfall and then make an effort to escape under shadow of darkness. Now fearing that he might be overpowered at any moment, he resolved upon the desperate expedient of extricating himself from his perilous position by suddenly facing and fighting the enemy, a purpose which he quietly communicated to his two companions. For a time they moved on in silence. Then Logan suddenly turned and shot down Winemac. One of his companions shot Elliott. At the next round an Ottawa chief fell mortally wounded. A little later another of the enemy met the same fate, and the two remaining Indians fled into the forest, leaving behind the horses of their slain comrades. Near the close of the combat Logan himself was shot, the ball passing downward through the breast and lodging under the skin of his back. One of his companions was shot through the

thigh; the other escaped unhurt. The two who were wounded mounted two of the horses and rode back to Winchester's camp, twenty miles away. The third Indian, after taking the scalp of the Ottawa chief, returned on foot, reaching the camp next morning.

There was none now to question the fidelity of Logan, but he had won the confidence of those to whom he was devoted at the cost of his life. After two days of terrible agony, borne with the fortitude peculiar to his race, without a regret or a murmur, he breathed his last. "More firmness and consummate bravery has seldom appeared on the military theater," wrote General Winchester to General Harrison. "He was buried," said Major Hardin, "with all the honors due his rank, and with a sorrow as sincerely and generally displayed as I ever witnessed."

Logan was named after General Logan of Kentucky, by whom he was captured when a child. His mother was a sister of Tecumseh and the Prophet. In the summer preceding the events here narrated, he spent an entire night in an effort to dissuade Tecumseh from his warlike designs, while the latter urged him to join the British. Failing to agree they parted, never to meet again. Logan in physique and bearing was a noble representative of his race. Just before his death, when he realized that his hours were numbered, he asked Major Hardin to use the money due him for his services for the removal of his family to Kentucky where his children might be educated after the manner of the whites. He was assured that everything possible would be done to carry out his wishes. The tribe to which he belonged, however,

refused to give up the family, and they disappeared behind the veil that obscures the fate of the primitive children of the forest. Another Logan, a Mingo chief, has been immortalized for his reputed eloquence. It remains for the poet or the novelist to perform a like service for Captain James Logan, the Shawnee chief, who in the camp of General Winchester, vindicated his honor and died as became a soldier and a patriot.

In the meantime Winchester had reached the Rapids of the Maumee River, January 10, 1813. Instead of remaining there and establishing a stockade where it had been planned to accumulate stores for a combined army movement against the enemy, he listened to the urgent requests of the citizens of Frenchtown for aid against the attacks of the British and Indians. The latter were at Malden, eighteen miles distant from Frenchtown, which was on the Raisin River. Nearly seven hundred men were sent to the relief of Frenchtown under the command of Colonels Lewis and Allen. General Winchester perceiving that he sent them into the very jaws of the enemy, three thousand strong, and fearing the result, followed with two hundred and fifty more men. Frenchtown was taken, but just after Winchester arrived, the British and Indians appeared in force and overwhelmed the American troops. The brutal English commander, Proctor, permitted a general massacre of the prisoners and wounded, by the Indian contingent. The snow was deep and the soldiers so exhausted that most of them fell into the hands of the cruel enemy. Only thirty-three escaped and returned to the Rapids. Winchester

himself was taken prisoner, and thus another disaster had befallen American arms in the Michigan Territory.

General Harrison had apprehended Winchester's danger and had hastened to the Maumee River. He arrived at the Rapids the very day after this disaster. The next morning, to prevent the enemy from cutting him off from his base of supplies, Harrison retreated to Portage River and awaited the arrival of expected reinforcements of troops and artillery, which were delayed by heavy rains and did not arrive until January 30. On February 1, with 1,700 men and a few pieces of artillery, Harrison again advanced to the foot of the Rapids, where he chose a more commanding eminence than that selected by Winchester, and commenced the construction of a strong fort which, in honor of the Governor of Ohio, he named Fort Meigs.

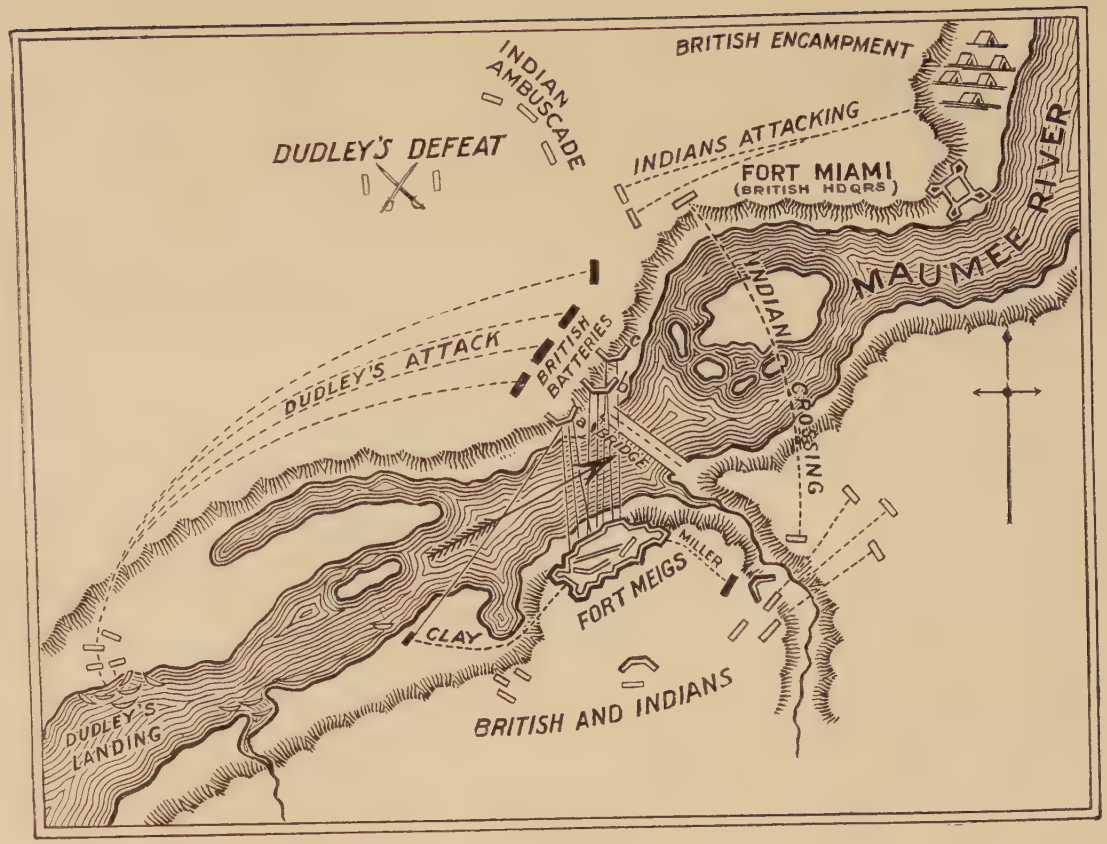
A hollow square was formed on the hill. Trees were felled and breastworks were at once thrown up around the army. The troops ate their ration of parched corn and worked vigorously and cheerfully all day long. Trenches were dug; logs were split and planted on end to form a defensive wall of "picketings" or palisades; blockhouses were raised; and gradually under the direction of Captain Wood of the engineers' corps, the fort took substantial and commanding form. At first it covered nine acres, but the area was extended until it included fourteen acres. When the outer works were completed, grand transverse embankments were built across the enclosure, and later, when the besiegers approached, the tents were taken down, and each mess excavated under the embankment rooms that they occupied as substitutes. These were care-

fully drained, so that inconvenience from the dampness would be reduced to a minimum. A well was commenced, but, unfortunately, was not completed before the siege began.

It was Harrison's original purpose, while the river and lake were still frozen, to make a swift march down the Maumee, across to Malden, surprise the British, and destroy the little fleet at that post. A change in the weather, however, prevented the execution of his plans, and the bold enterprise was abandoned.

One afternoon in the latter part of April, two strangers on horseback appeared on the opposite bank of the river. They halted and surveyed with evident interest the fort on the hill, then nearing completion. Some of the officers within the fort, regarding the action suspicious, had a shot from one of the heavy guns fired at the intruders. The earth was torn up in their immediate vicinity and they soon galloped out of sight. It was learned afterwards that the two men were Proctor and Tecumseh.

The investment of Fort Meigs began April 27. Conservative estimates of the forces under the command of the British fix the total at 2,560, of whom 1200 were Indians. When the siege began, Harrison had a much smaller force, which was afterward augmented to 2,000 men. He realized that Fort Meigs must stand as a defense for all the territory north of the river. He therefore doubled his energies to strengthen the works and provision the place for a long siege. The forest was cleared away for a considerable distance from the fort to give the artillery free play.


BRITISH ENCAMPMENT
INDIAN AMBUSCADE
DUDLEY'S DEFEAT
INDIANS ATTACKING
FORT MIAMI
(BRITISH HDQRS)
MAUMEE RIVER
INDIAN CROSSING
DUDLEY'S ATTACK
BRITISH BATTERIES
BRIDGE
MILLER
FORT MEIGS
CLAY
DUDLEY'S LANDING
BRITISH AND INDIANS

The Indians crossed the river, April 29, and the investment of the fort was soon complete. From this day firing was frequent and spirited. On the night of April 30, the British sent a gunboat up near the fort and opened fire point blank upon the works with little effect. In the morning twilight the boat was towed down the river beyond the reach of the guns on the hill. A vigorous bombardment was kept up from the British batteries across the river, from two hundred and fifty to five hundred and fifty shots being fired daily at the fort in the early part of May.

A thrilling story is told of the removal of the magazines of the fort to a place of safety. At first the powder was kept in wagons under shelter of the earthworks. As the siege progressed it was realized that there was great danger of the blowing up of the magazines. A number of men volunteered to move the powder to a small blockhouse, excavate a receptacle and bury it beyond the reach of cannon shot. The enemy evidently suspected this, for they trained their guns on the blockhouse. Red-hot shot fell hissing around. Finally a shell dropped through the roof, and lodging in the framework, sent forth scintillating sparks from its writhing fuse. The workmen threw themselves to earth, expecting to hear the thunderous explosion which would end their earthly careers. One of them fortunately had the presence of mind to seize a boathook, pull the hissing bomb to the ground, and jerk the burning fuse from its socket. With feverish excitement the work of the little band of volunteers was soon completed, and the magazines were securely covered.

On the night of May 3, a gun and mortar battery supported by about two hundred British regulars was transported under cover of the darkness across the river and planted behind earthworks about four hundred yards from the fort. On the following morning Proctor sent to Harrison a peremptory demand to surrender. But the British were not dealing with Hull. "Assure the General," wrote Harrison in reply to Proctor, "that he will never have this post surrendered to him upon any terms. Should it fall into his hands it will be in a manner calculated to do him more honor, and to give him larger claims upon the gratitude of his government than any capitulation could possibly do."

At about midnight May 4, Harrison received word that General Clay was approaching with 1,200 Kentuckians, who had halted only about two hours' march distant, and were awaiting orders. Harrison at once directed that General Clay send eight hundred men from his forces for the purpose of landing on the other side and attacking the enemy's batteries. In the meantime he took advantage of the opportunity for planning a sortie which he designed sometime previous. This sortie was to be made upon the side of the fort commanded by Lieutenant Colonel Miller of the Nineteenth United States Infantry, simultaneously with the attack to be made upon the enemy's batteries by the detachment under Colonel Dudley, from General Clay's reinforcements.

The duty assigned to Colonel Dudley was performed with soldierly ability and execution. He landed his men in good order. He then advanced to the

enemy's batteries and carried four of them instantly, putting the British regulars and Indians to flight. The victory was complete and decisive, and if Dudley had obeyed orders implicitly, he and his brave men would have been the victors of that day. Harrison's orders when he planned this attack, were: "The batteries must be taken, the cannon spiked, the carriages cut down; and the troops then must return to their boats and cross over to the fort." But Dudley's impetuous Kentuckians, flushed with victory, pushed on in pursuit of the flying enemy. Their commander tried to stop them, but in vain, and they ran full into an awaiting ambush of Tecumseh and his Indians, three times the number of the Kentuckians.

General Harrison saw the whole event from the rampart of the fort. He beckoned and shouted for them to retreat; they thought they were cheered on. "They are lost! they are lost!" he exclaimed; "can I never get men to obey my orders?" He offered a thousand dollars to the man who would cross the river and carry a warning to Colonel Dudley. Lieutenant Campbell attempted this but it was too late. The Kentuckians fought bravely but vainly, and of eight hundred Americans that an hour before had been victors, all were slain or captured except one hundred and fifty. Colonel Dudley himself was killed in attempting to cut his way through to the river.

In this connection, however, is to be recorded the most disgraceful incident of this siege. It stands as a shame to a Christain and civilized nation. When Dudley's prisoners were taken down to the British headquarters, which was Fort Miami, the Indians were

given free play upon them. They, the Indians, amused themselves by firing at will among the prisoners. Those Indians who desired to select individual victims were permitted to do so. They led their captives to the very gates of Fort Miami, and under the eye of General Proctor and in the presence of the British army tomahawked and scalped them. This work of devilish savagery, approved by the British, continued for nearly two hours, during which twenty defenseless prisoners were massacred in the presence of the British authorities to whom they had surrendered.

While this massacre was going on, the Indian chiefs were holding a council. In this council, the Pottawattomies, who were painted black, were for a general massacre. In truth their warriors were carrying that plan out at the very moment. The Miamis and Wyandots were on the side of humanity, and opposed this. During this dispute as to how the carnage should be conducted, Tecumseh and the British Colonel Elliott came upon the scene. When Tecumseh beheld the slaughter he flourished his sword and cried: "For shame, desist; it is a disgrace to kill a defenseless prisoner." To the great joy of Dudley's men, his orders were obeyed. By this single act the Indian Tecumseh displayed more humanity and civilization than Proctor and his British associates.

Notwithstanding Dudley's defeat, the complete success of his attack on the British batteries inspired Colonel Miller in his sortie. He sallied from the fort at the head of three hundred men, and assaulted the enemy's works, manned by three hundred and fifty regular British troops and five hundred Indians. The bold-

ness and rapidity of the attack dazed the enemy. They were driven from their batteries, their cannon spiked, and Colonel Miller returned to the fort with forty-two prisoners. Considering the inequality of numbers between the Americans and British, this sortie must be regarded as one of the most heroic and brilliant actions of the war.

Proctor now saw that the further investment of Fort Meigs was impracticable. He had tested to his sorrow, the fighting spirit of the Americans. He found that though the contest was unequal, they, fewer in numbers as they were, were more than a match for his trained regulars and his blood-thirsty allies. He asked for a cessation of hostilities. During this time arrangements were made for the exchange of prisoners. Tecumseh agreed to surrender his prisoners provided some Wyandots held by General Harrison were delivered up.

The disheartening results of the siege caused Proctor's Indian allies to abandon him, and the Canadian militia were discontented and wanted to go home. The greatest disappointment fell to the Prophet. He had been promised the Territory of Michigan for his reward. Tecumseh was equally disgusted. Proctor had promised him the body of General Harrison against whom he was filled with hatred and revenge since the battle of Tippecanoe. Angered at the failure on all sides, the Indians left; Tecumseh, however, was held to the enemy by receiving a commission and the pay of a brigadier-general in the British army.

In the siege of Fort Meigs the American loss was eighty-one killed and one hundred and eighty-nine

wounded. This does not include the killed and wounded under Colonel Dudley. The British under Proctor had five hundred and fifty regulars, eight hundred Canadian militia and fifteen hundred Indians. During the truce Proctor, in a communication to General Harrison, promised to furnish a list of his killed and wounded, but he never kept his promise. On May 9, 1813, at noon, Proctor embarked his men under the artillery fire of the fort and sailed away, humiliated, defeated and disappointed. Thus ended the thirteen days' siege of Fort Meigs. Its capture would have been a serious blow to the country, and a frightful calamity to Ohio. It contained nearly all the military stores, provisions and supplies of the Northwestern Army, and was the sole protection against the invasion of the State by the British.

Realizing this situation, while the siege was on, Governor Meigs called out the full strength of the Ohio militia and led them in person to relieve Fort Meigs. He had proceeded as far as Lower Sandusky, when he met General Harrison on his way to Cincinnati, who informed him of the raising of the siege and the retreat of Proctor and Tecumseh. General Harrison dismissed the militia in the following complimentary order issued from his heaquarters at Franklinton, May 16, 1813:

"The Commanding General has observed, with the warmest gratitude, the astonishing exertions which have been made by His Excellency Governor Meigs, and the generals and other militia officers of this State, in collecting and equipping a body of troops for the relief of Camp Meigs. But the efforts of these men

would have been unavailing had they not been seconded by the patriotic ardor of every description of citizens, which has induced them to leave their homes, at a most critical season of the year, regardless of every consideration, but that of rendering service to their country. The General found the road from Lower Sandusky to this place literally covered with men, and among them many who shared in the toils and dangers of the Revolutionary War, and on whom, of course, there existed no legal claims for military services. The General has every reason to believe that similar efforts have been made in Kentucky. He offers to all those brave men from both States his sincere acknowledgment, and is happy to inform them that there is at present no necessity for their longer continuance in the field. The enemy has fled with precipitation from Camp Meigs, and that fort is in much better situation to resist an attack than when the last siege was commenced."

This order disbanding the militia created great dissatisfaction in Ohio. There was an intense feeling against the British, and a general desire among the people to participate in the war. It was therefore a great disappointment when Harrison dismissed the troops. His complimentary references in his order did not satisfy the public. General Harrison's policy was the result of the direct orders of the Secretary of War, who, in a confidential letter forbade the calling out of any more militia until Lake Erie was free from British domination. This letter also stopped all further efforts toward recovering Detroit. These orders were confidential and secret, and General Harrison had

to obey them, and at the same time receive without explanation, the bitter opposition and criticism to which they gave rise.

General Harrison needing more troops, and with the orders of the Secretary of War forbidding the use of the militia, proceeded to Cincinnati and thence to the Newport Barracks, in Kentucky, hoping to secure regular troops. Here he found the Twenty Fourth Regiment of the United States which he ordered to Franklinton.

Chapter IX.

THE COUNCIL AT FRANKLINTON
SIEGE OF FORT MEIGS
DEFENSE OF FORT STEPHENSON
PERRY'S VICTORY

WITH the abandonment of the siege of Fort Meigs there was a cessation of hostilities on both sides for several months. General Harrison in the meantime was giving much consideration to the organization of his troops, and also to the question of the attitude of certain Indians in the war. His experience in his campaigns had taught him much on this last problem. He saw that a most dangerous element in the conflict was the Indian allies of the British. He was aware that Tecumseh was endeavoring to draw to his support the Ohio Indians as well as certain tribes in Indiana and Illinois. It had been the policy of the United States not to employ friendly Indians in its service. There was an exception made in the case of James Logan, Tecumseh's nephew, whose heroic death was recorded in the last chapter. General Harrison's advice to the Indians was to remain neutral—"keep hands off." This, in their native innocence, they could not understand, expecially those who were friendly to the Americans, when they saw the British helped by their own friendly allies. Knowing that some of the tribes were friendly to the Americans, and that others were treacherously representing themselves to be so, General Harrison called a council of the leading chiefs to find out just where they stood and what they would do in the emergency.

This council was held at Franklinton, now a part of Columbus, June 21, 1813. It was one of the most important events of this period, and through it General Harrison found what Indians could be depended upon. The Wyandots, Delawares, Shawnees, and Senecas

were represented by fifty of their chiefs and head men. The most influential chief present was Tarhe (the Crane) who was Chief Sachem of the Wyandots. He had long been a mighty man with his people. As far back as 1789 at Marietta he was a chief of his tribe. He was a man of fine character and had the respect of both the white man and the Indian. He held his influence over his people as long as he lived. All his efforts were for peace, and he was one of the leading spirits in securing the Indian support to the Treaty of Greenville. At this council Tarhe was the spokesman by common consent of all the tribes there represented. He was of fine physique, and although at this time about seventy-two years of age, he possessed remarkable vigor both in body and mind. It was of him and his tribe that General Harrison, in his official report to the Secretary of War (March 22, 1814), said: "The Wyandots, of Sandusky, have adhered to us throughout the war. Their chief, the Crane, is a venerable, intelligent and upright man." In this report he also referred to the Shawnee Chieftains, Black Hoof, Wolf, and Lewis, thus: "They are attached to us from principles as well as interest; they are all honest men."

There is a valuable relic of newspaper enterprise of that day left in the only account preserved of this council. It was printed in *The Freeman's Chronicle* of June 25, 1813. This paper was a weekly, published at Franklinton by James Gardiner, who was owner, editor and reporter. His description written by himself as a spectator and reporter is as follows:

"On Monday last, General Harrison held a council in this place with the chiefs of the Delaware, Shawnee,

Wyandot and Seneca tribes of Indians, to the amount of about fifty. In the General's talk, he observed that he had been induced to call them together from certain circumstances having come to his knowledge which led him to suspect the fidelity of some of the tribes, who had manifested signs of a disposition to join the enemy, in case they had succeeded in capturing Fort Meigs. That a crisis had arrived which demanded that all the tribes, who had hitherto remained neutral, should take a decided stand, either for us or against us. That the President wished no false friends, and that it was only in adversity that real friends could be distinguished. That the proposal of General Proctor to exchange the Kentucky prisoners for the friendly tribes within the borders, indicated that he had been given to understand that those tribes were willing to raise the tomahawk against us. And that in order to give the United States a guarantee of their good dispositions, the friendly tribes should either move, with their families, into the settlements, or their warriors should accompany him in the ensuing campaign, and fight for the United States. To this proposal the chiefs and warriors present unanimously agreed—and observed that they had long been anxious for an opportunity to fight for the Americans.

"We cannot recall the precise remarks that were made by the chiefs who spoke, but Tarhe (the Crane), who is the principal chief of the Wyandots and the oldest Indian in the western wilds, appeared to represent the whole assembly, and professed, in the name of

the friendly tribes, the most indissoluble attachment for the American government, and a determination to adhere to the Treaty of Greenville.

"The General promised to let the several tribes know when he should want their services; and further cautioned them that all who went with him must conform to his mode of warfare; not to kill or injure old men, women, children nor prisoners. That, by this means, we should be able to ascertain whether the British tell the truth when they say that they are not able to prevent Indians from such acts of horrible cruelty; for if Indians under him (General Harrison) would obey his commands, and refrain from acts of barbarism, it would be very evident that the hostile Indians could be as easily restrained by their commanders. The General then informed the chiefs of the agreement made by Proctor to deliver him to Tecumseh in case the British succeeded in taking Fort Meigs; and promised them that if he should be successful, he would deliver Proctor into their hands, on condition, that they should do him no other harm than to put a petticoat on him, 'for,' said he, 'none but a coward or a squaw would kill a prisoner.'

"The council broke up in the afternoon; and the Indians departed next day for their respective towns."

From the date of this council a spirit of safety and confidence spread throughout Ohio. The apprehension and fear that was prevalent among the pioneers in the northwest was allayed. Although General Harrison did not see the necessity of calling these four tribes to take part in the war, many of the Indians individually, of their own free will, accompanied him in his

campaigns. Tarhe, with a number of his warriors, marched with General Harrison on foot to Canada, and was present at the battle of the Thames where the noted Tecumseh was killed.

When General Harrison was at Franklinton, he received word from General Clay, whom he had left in command at Fort Meigs, that the British were preparing with a very large force to renew their operations against that place. The Twenty-Fourth United States Regulars was at this time on its march to Lower Sandusky, and General Harrison on receiving news of the movements against Fort Meigs set off with all possible speed and overtook the regiment below that town. With three hundred picked men from this body, he made a forced march to Fort Meigs. He found there everything in a satisfactory condition, the place well fortified and the proposed attack not materialized.

The apprehension of a siege at this time was caused by reports which General Clay had received from a Frenchman, and a private of Colonel Dudley's regiment, who had arrived at Fort Meigs on June 20 from Detroit. The private had been a prisoner of the Indians. They stated that the British expected to renew the attack on the fort and were to commence a march at about the time they arrived. The Indians were to furnish four thousand warriors and the British one thousand regulars from Niagara. They reported that the Canadian militia had been disbanded as incapable of good service. It was on these statements that General Clay immediately dispatched the information of the expected renewal of the siege to General Harrison at Franklinton.

On July 20, however, contrary to hope and expectation, the enemy appeared for a second siege of Fort Meigs. They were discovered ascending the Maumee, and a reconnoitering party reported that a large body of British and Indians were encamped below the old British Fort Miami on the other side of the river. The next day saw Fort Meigs surrounded by five thousand men under Proctor and Tecumseh. That night, General Clay sent word to General Harrison, who immediately called upon General McArthur of the Ohio militia for all the force available, and upon Governor Meigs for further enlistments. But it was not Proctor's purpose to make more than a demonstration before Fort Meigs; on July 28 he embarked his troops and sailed down the Maumee toward Lake Erie.

It soon became apparent to General Harrison from the movements of the enemy that the real point of attack was Fort Stephenson and not Fort Meigs. This fort was located at Lower Sandusky where Fremont now stands. It had been a garrison and stockade since General Wayne's treaty. It was just about large enough for two hundred men. At this time it was occupied by a force under the command of Major George Croghan, a young Kentuckian in his twenty-first year. He was born at Locust Grove, Kentucky, November 15, 1791; his mother was a sister of George Rogers Clark, and his father, William Croghan, was born in Ireland in 1752; he was a major of the Virginia line, and fought with bravery at Brandywine, Monmouth and Germantown, as well as endured the privations of Valley Forge. So it can be seen that

the fighting qualities which he developed were natural and racial. He was a young man of education and breeding, and graduated from William and Mary College with the degree of Bachelor of Arts.

Associated with Major Croghan were Captain Hunter, Lieutenants Johnson and Baylor, and Ensigns Shipp and Duncan of the Seventeenth Regiment, Lieutenants Anthony of the Twenty-fourth, and Meeks of the Seventh; these, with one hundred and sixty privates, constituted the entire force of the garrison.

General Harrison's headquarters were at Fort Seneca, nine miles above Fort Stephenson on the Sandusky River. Here he had six hundred men. He was looking for an attack from the enemy, and concluded that Fort Seneca was the point for his operations. He had examined Fort Stephenson in company with Major Croghan, and was of the opinion that it could not be defended against heavy artillery. It consisted of three blockhouses and a picketed inclosure ranging from fourteen to sixteen feet in height, outside of which was a ditch eight feet in width and depth. A six-pound cannon composed the entire ordnance of the fort. When he parted with Croghan to go to Fort Seneca, he said: "Should the British troops approach you in force with cannon, and you can discover them in time to effect a retreat, you will do so immediately, destroying all the public stores."

It was dusk of July 29, when a messenger arrived at Fort Seneca with word that Proctor and Tecumseh had abandoned the siege of Fort Meigs and were on their way up the Sandusky River to attack either Fort Seneca or Fort Stephenson. General Harrison

hastily called a council of war consisting of Generals McArthur, Cass and other officers. The result of their deliberations was the unanimous opinion that Fort Stephenson was untenable and should be abandoned. General Harrison immediately sent Major Croghan the following order: "Sir, Immediately on receiving this letter, you will abandon Fort Stephenson, set fire to it, and repair with your command this night to headquarters. Cross the river and come up on the opposite side. If you should deem and find it impracticable to make good your march to this place take the road to Huron and pursue it with the utmost circumspection and despatch."

The bearers of this message to the young officer lost their way, and did not arrive at Fort Stephenson until nearly noon of the next day, when they found the situation such that withdrawal and retreat were impossible. The country surrounding the little garrison was swarming with British and Indians. Major Croghan therefore answered General Harrison as follows: "Sir, I have just received yours of yesterday, 10 o'clock P. M. ordering me to destroy this place, and make good my retreat, which was received too late to be carried into execution. We have determined to maintain this place, and by heavens we can."

This reply greatly displeased the Commanding General, and he ordered Croghan to appear before him to answer for his disobedience. Major Croghan obeyed the summons of his superior officer, and explained that he had written so strongly with a view that possibly it might fall into the hands of the enemy; he also demonstrated that under present conditions

evacuation meant destruction to his garrison and its men. General Harrison at once perceived the sound military discretion of the young officer, and sent him back to defend Fort Stephenson. On the first day of August, 1813, at four o'clock in the afternoon, the enemy, with General Proctor in command, appeared, coming down the Sandusky River.

The force of the British amounted to twelve hundred men, of whom seven hundred were Indians. After Proctor had disposed his troops so as to render it impossible for the garrison to escape, he sent a flag of truce by Colonel Elliott and Major Chambers demanding the surrender of the fort, with the usual threat of Indian butchery and massacre. Major Croghan, after consultation with his men, replied that "when the garrison surrendered there would be none left to massacre, as it would not be given up while there was a man able to fight." Major Croghan's comrades were all young men like himself. They possessed unbounded patriotism and nerve, and like him, they were willing to die in defense of their flag rather than to surrender to a band of savages under an inhuman white leader, who had, up to this time, violated every rule of war and civilization in the treatment of his captives. The laconic and Spartan reply of Croghan maddened Proctor, and he opened fire from his five six pounders and howitzer. This firing was kept up all night, but with little effect on the stockade. Major Croghan responded from his single gun, rapidly moving it from one point to another in firing, so as to make it appear that he was not limited to a solitary ordnance.

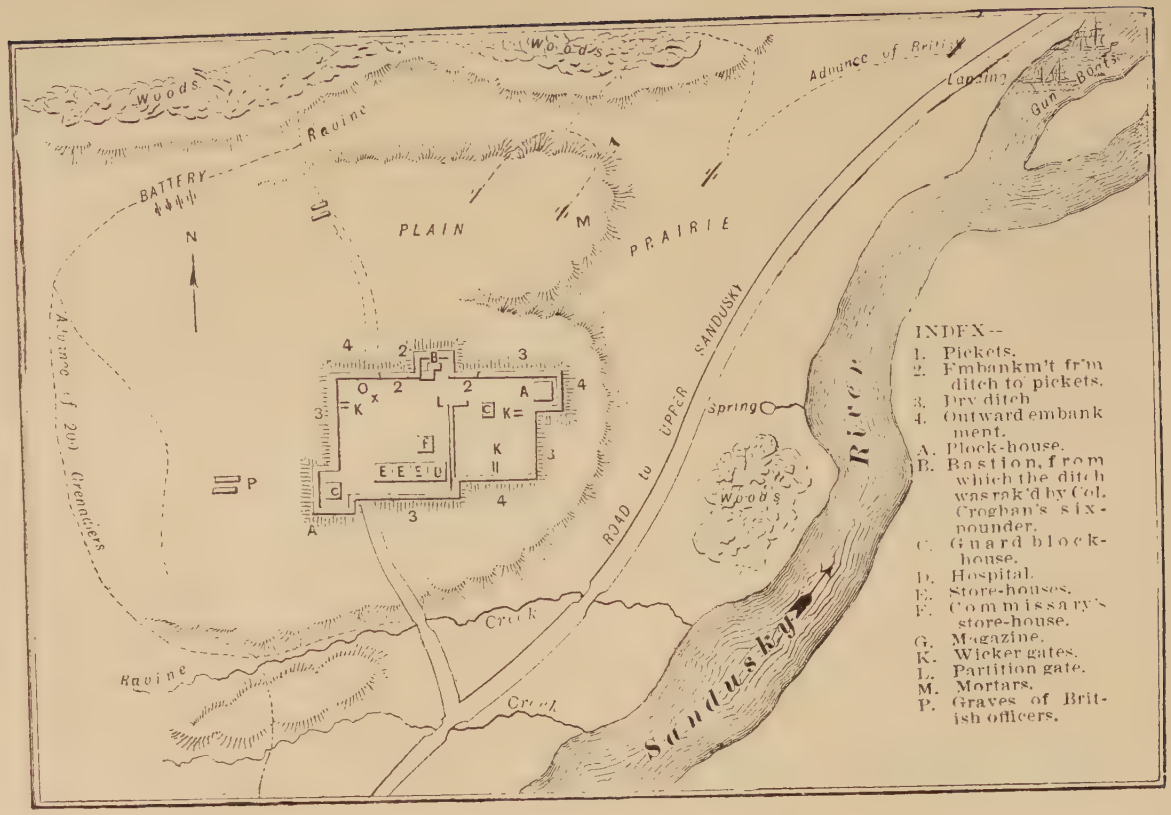
The next morning found the flag still floating over the brave band within the fort. In the night, the enemy had so arranged his guns that three sixes had been planted within two hundred and fifty yards of the fort. Again all through the day, the roaring of the British artillery was kept up. Towards the afternoon it became evident that Proctor was preparing for an attack. The objective point of his firing all day was the northwest angle of the fort. Major Croghan saw this, and with bags of sand and flour he strengthened his weakened point. He further concealed his lone gun at this assailable quarter, and loaded it heavily with slugs and grape shot. Here it rested for a terrible utterance.

Now the attack commenced. It was about five o'clock in the hot August afternoon when the two columns of British, five hundred strong, advanced toward what they believed the vulnerable portion of the stockade. While this party was marching toward the fort, another column of two hundred grenadiers started for the southern side of the stockade. This attack was feigned and was for the purpose of drawing the attention of the besieged from the real point to be assailed.

All the while, the gunners in the fort kept their single cannon trained on the storming party. Tramp, tramp came the advancing British column through the dense smoke of their artillery, which was constantly playing upon the fort, and it was only when they were within twenty paces of the ditch that they could be seen by the besieged. They were met by a rainfall of rifle bullets from the cool aims of Croghan's

PLAN OF FORT STEPHENSON

Prepared from the official reports of the battle by the British and American officers and from contemporary writers.


Woods
Woods
Advance of British
Landing
Gun Boats
Ravine
BATTERY
PLAIN
PRAIRIE
N
M
Advance of 200 Grenadiers
ROAD to UPPER SANDUSKY
Spring
Woods
River
Sandusky
Creek
Creek
Ravine
INDEX--
1. Pickets.
2. Embankm't fr'm ditch to pickets.
3. Dry ditch
4. Outward embankment.
A. Block-house.
B. Bastion, from which the ditch was rak'd by Col. Croghan's six-pounder.
C. Guard block-house.
D. Hospital.
E. Store-houses.
F. Commissary's store-house.
G. Magazine.
K. Wicker gates.
L. Partition gate.
M. Mortars.
P. Graves of British officers.

Kentuckians, and for a moment only were they thrown into confusion. But they were British regulars who had seen continental service under Wellington in the Peninsular campaigns of Spain and Portugal, and while shocked, they were not daunted. Rallied by their commander, Colonel Shortt, they leaped the ditch and started to storm the stockade. "Give the damned Yankees no quarter," cried the Colonel as he gallantly led his command.

Then the single cannon spoke with terrific effect. A shower of slugs and grape scattered death right and left, and when the smoke had risen, the commanding officer and twenty-four men were killed and twenty-six wounded.

The broken columns were formed anew by the officer who succeeded Colonel Shortt, and the new commander, exasperated at meeting such opposition from striplings, rushed to the onset with increased fury, and gallantly again Croghan's six pounder played upon them with terrible success, sending forth death and destruction as before. Repulsed, stunned and panic-stricken, the British troops, in spite of the efforts of their officers, fled to the woods for shelter. Their Indian allies followed them. Afterward, all retreated to their boats sullen and satisfied at the bravery of an enemy that was scarcely one-eighth their own number. At three o'clock in the morning of August 3, 1813, Proctor, repulsed for the second time on the soil of Ohio, sailed down the Sandusky River, leaving his military stores and his dead to the Americans.

In this defense, as brilliant an incident as there is recorded in the annals of American arms, Major Croghan's loss was one killed and seven wounded. The British and Indians lost one hundred and fifty in killed and wounded, more than one-third of whom were killed.

Major Croghan and his gallant command at once received the praise of the whole country. In General Harrison's official report of this affair he said: "It will not be among the least of General Proctor's mortifications to find that he has been baffled by a youth who has just passed his twenty-first year. He is, however, a hero worthy of his gallant uncle, George R. Clark." The other officers likewise were specially complimented by General Harrison. They also received the thanks of Congress. Major Croghan was promoted to the rank of Lieutenant Colonel, and was awarded a gold medal by Congress. Not the least of the honors showered upon him was that of the patriotic ladies of Chillicothe, who on August 13, presented him with an elegant sword and the following signed address:

"Sir: In consequence of the gallant defense which, under Divine Providence, was effected by you and the troops under your command, of Fort Stephenson, at Lower Sandusky, on the evening of the 2d inst., the ladies of the town of Chillicothe, whose names are undersigned, impressed with a high sense of your merits as a soldier and a gentleman, and with great confidence in your patriotism and valor, present you with a sword.

Mary Finley	Mary Sterret
Ann Creighton	Eliza Creighton

Eleanor Lamb
Eliza Carlisle
Susan D. Wheaton
of Washington City
Margaret McLanburg
Elizabeth Martin
Jane McCoy
Catharine Fullerton
Susan Wake
Margaret Keys
Esther Doolittle
Margaret McFarland
Jane M. Evans
Mary Curtis
Jane Heylin
Catharine Hough
Martha Scott
Nancy Waddle
Mary A. Southward
Richamah Irwin
Judith Delano
Margaret Miller
Nancy McArthur
Lavina Fulton
Rebecca M. Orr
Ann M. Dunn
Charlotte James
Eleanor Buchanan
Deborah Ferree
Frances Brush
Mary P. Brown
Nancy Kerr
Eleanor Worthington
Sally McLean."

To this Major Croghan responded:

"Ladies of Chillicothe:—I have received the sword which you have been pleased to present to me as a testimonial of your approbation of my conduct on the 2d instant. A mark of distinction so flattering and unexpected has excited feelings which I cannot express. Yet, while I return you thanks for the unmerited gift you have thus bestowed, I feel well aware that my good fortune (which was bought by the activity of the brave soldiers under my command) has raised in you expectations from future efforts, which must, I fear, be sooner or later disappointed. Still, I pledge myself (even though fortune should not again be propitious) that

my exertions shall be such as never to cause you in the least to regret the honors you have been pleased to confer on your 'youthful soldier.' "

The attack on Fort Stephenson, like the siege of Fort Meigs, aroused the patriotism of Ohio, and Governor Meigs again called out the entire militia of the State. At least ten thousand men were under arms ready to march. Again General Harrison ordered the dismissal of all but two regiments. This created much feeling against him, and he was criticised freely for this and also for his failure to march from Fort Seneca to the relief of Croghan. But the latter came to his commander's defense in a long letter, and public confidence was again restored.

Although the rout of Proctor by Major Croghan destroyed all prospect of British invasion of Ohio, and ended active military land service within its boundaries, Lake Erie was still in the possession of the enemy, and remained so until Perry's famous victory.

Oliver H. Perry, a young sea captain from Newport, Rhode Island, first conceived the idea of disputing the English supremacy to the inland seas. He was the son of Christopher R. Perry, a distinguished naval officer of the Revolution, and was born at South Kingston, Rhode Island, August 23, 1785. His training from boyhood was on the sea, and as a midshipman he cruised in the West Indies on the "Adams," "Constellation," "Constitution," and "Essex." He served twice in the Tripolitan War. He was in command of the Newport flotilla of gunboats, waiting for the war of 1812, and at this time gave prolonged study to the science and art of gunnery. So that when the war

broke out there was no better ordnance officer in the American Navy. It was his judgment that Lake Erie was the place where Great Britain could be struck the severest blow. He knew that if a Canadian invasion was ever attempted, it could be effected only after the defeat of the British naval forces upon Lake Erie. Accordingly he tendered his services to Commodore Chauncy, and at his own request, he was ordered to Lake Erie. Within twenty-four hours he was on his way to Erie, which place he reached on March 27, 1813, after travelling chiefly in sleighs. There he found Noah Brown, shipwright and Sailing Master Dobbins awaiting the arrival of fifty ship carpenters from Philadelphia. It took these men five weeks to make this winter journey.

By almost incredible toil and hardship, from the virgin forest Perry built the little fleet that constituted the American Navy on the Lakes. By July 25, the vessels were completed and armed. On August 17, the fleet was in Sandusky Bay where General Harrison came aboard the "Lawrence," Perry's flagship, to talk over the proposed movements. After Harrison left, Perry sailed away and put in his time looking for the enemy. He was at Put-in-Bay on the 10th of September, and from there he again set sail to meet the enemy.

His squadron consisted of the following vessels and number of guns: the "Lawrence," his flagship, with twenty guns; the "Niagara," with twenty guns; the "Caladonia," with three guns; the "Ariel," with four guns, one of which burst early in the action; the "Scorpion," with two guns; the "Somers," with two guns and two swivels; the "Tigress," "Porcupine," and

"Trip," with one gun each—making all together nine vessels with fifty-four guns and two swivels. The British fleet which, under a brave commander, Commodore Barclay, had protected the Canadian border, and was at this time displaying anxiety to meet the new American Navy, consisted of six vessels. They were the "Detroit," with nineteen guns, one on a pivot, and two howitzers; the "Queen Charlotte," with seventeen guns, one on a pivot, and one howitzer; the "Lady Prevost," with thirteen guns, one on a pivot, and one howitzer; the "Hunter," with ten guns; the "Little Belt," with three guns, and the "Chippewa," with one gun and two swivels—in all sixty-three guns, four howitzers and two swivels.

The historian, Bancroft, writing comparatively of the two squadrons, says:

"In ships, the British had the superiority, their vessels being stronger, and their forces being more concentrated; the American gunboats at the right of the American line, separated from each other by at least half a cable's length, were not near enough for good service. In the number of guns, the British had sixty-three, the Americans fifty-four. In action at a distance, the British, who had thirty-five long guns to fifteen, had greatly the advantage; in close action the weight of metal would favor the Americans. The British commander had 150 men from the Royal Navy, eighty Canadian sailors, and 240 soldiers, mostly regulars, and some Indians, making, with their officers, a little more than five hundred men of whom at least 450 were efficient. The American crews, of whom about one-fourth were from Rhode Island, one-fourth

regular seamen, American and cosmopolitan, about one-fourth raw volunteers, from Pennsylvania, Ohio, but chiefly Kentucky, and about one-fourth blacks, numbered on the muster roll 490, but of these, 116 were sick, nearly all of whom were too weak to come on deck, so that the efficient force of the squadron was a little less than 400."

On the morning of the 10th of September, at sunrise, the enemy was bearing down from Malden. Perry's squadron immediately got under way. The wind was light and the day was beautiful, and not a cloud obscured the horizon. Commodore Perry was aboard the "Lawrence." He had privately prepared a beautiful flag to be hoisted at the masthead of his flagship. On this flag was painted in letters legible to the whole fleet the dying words of the immortal Lawrence, "Don't give up the ship." Turning to his crew he said, "My brave lads, this flag contains the last words of Captain Lawrence. Shall I hoist it?" The effect was electrifying. "Ay! ay! sir!" came from every man on the ship, and amid the cheers of his men he ran up the battle signal. All the vessels were ready and the decks were cleared for action.

At fifteen minutes to twelve there was a mellow sound of a bugle from the "Detroit," and the enemy's line cheered. There broke upon the air the sounds of sweet music; it was the British band on that vessel playing "Rule Britannia." Then the crash of cannon; the "Detroit" and the "Queen Charlotte" had opened fire on the "Lawrence." She received the fire without reply, as she was not within distance to do any execution with her short guns. At five minutes before

twelve the "Lawrence" opened upon the enemy. The other vessels were ordered to support her, but the wind at this time was too light to enable them to come up. Every brace and bowline of the flagship were soon shot away; she became unmanageable, and in this situation, she was the target for upward of two hours, within canister distance, until every gun was rendered useless, and but a small part of her crew left unwounded upon the deck.

In the general action between the other vessels, the carnage was terrible, and from mid-day until three in the afternoon, the conflict was a desperate struggle for supremacy. Both sides realized the value of a victory and the disaster of defeat. Perry acted with reckless bravery throughout the engagement. There was but one moment when his cool intrepidity experienced a shock. This was on seeing his brother, a youth of but twelve years, who served aboard as a midshipman, knocked down by a hammock, which was driven in by a cannon ball. The first impression of the Commodore was that he was killed; but the active boy jumped up unhurt and unafraid, thus much relieving Perry, who went on as before.

The "Lawrence," after the terrific attacks she had sustained, now became useless and unmanageable. Her crew was literally mowed down and her guns crippled. Perry himself, assisted by his chaplain and purser, had fired the last gun. It was evident that the "Lawrence" could no longer be of service to the fleet. Perry ordered the pennant with the historic words of Captain Lawrence to be lowered, and wrapping it about him, he was transferred to an open boat bound for the

MAJOR GEORGE CROGHAN

The Defender of Fort Stephenson.

Born near Louisville, Kentucky, November 15, 1791; graduated at William and Mary College in 1810; entered the army and was at Tippecanoe in 1811; was brevetted lieutenant-colonel for his gallantry at Fort Stephenson; resigned from the army in 1817; appointed postmaster at New Orleans in 1824; in 1846, joined General Taylor's army in Mexico and served with credit at Monterey; died at New Orleans, January 8, 1849.

MAJOR GENERAL CROGHAN

[illegible]

[illegible]

"Niagara." He went off in gallant style and full of ardor. The enemy, observing this movement, saw the design immediately. It meant a fresh start by an indomitable commander. They directed all the fire of their great guns and musketry at Perry's boat to destroy it. Several of the oars were splintered, and the crew were covered with spray from the round shot and grape which were striking the water on every side. Perry stood erect, unmindful of danger; his crew begged him not to expose himself, and they threatened to lay upon their oars unless he sat down. He yielded to their wishes and they pulled with an extra will. It took fifteen minutes to reach the "Niagara." With the Commodore aboard, it became his flagship and the pennant was again run up. To the dismay of the British, they saw him on the quarter-deck fresh for a continuance of the contest.

Then followed close and deadly action. The "Niagara" under command of Perry seemed to take on new strength. She bore down on the British line, and reserving her fire for close range, raked with broadsides the "Detroit" and the "Queen Charlotte," and at the same time from the other side of his vessel he poured shot into the "Lady Prevost" and the "Little Belt." The enemy stood the punishment as long as he could, and at three o'clock in the afternoon the British flagship "Detroit" lowered her flag, and for the first time in the history of Great Britain she surrendered a fleet. And this, too, to a young man of twenty-eight.

This splendid and complete victory, brilliant in its character and important in its consequences, was

announced by Commodore Perry in a remarkable spirit of modesty. He sent two reports. Both of these are dated from the "U. S. brig Niagara, off the western Sister head of Lake Erie, Sept. 10th, 4 o'clock, P. M." The first was to William Jones, the Secretary of the Navy, as follows:

"Sir—It has pleased the Almighty to give to the arms of the United States a signal victory over their enemies on this lake. The British squadron, consisting of two ships, two brigs, one schooner, and one sloop, have this moment surrendered to the force under my command, after a sharp conflict.

I have the honor to be, sir,

Your obedient servant,

O. H. Perry."

The second, laconic and historic, was to General Harrison:

"Dear General—We have met the enemy, and they are ours. Two ships, two brigs, one schooner, and one sloop.

Yours with great respect and esteem,

O. H. Perry."

The result of this victory was of great advantage to the Americans. The only barrier between General Harrison, who was on the south side of Lake Erie near Sandusky Bay, and the British base of supplies, Fort Malden, was destroyed. It left Detroit and the territory of Michigan at the mercy of his army. Subsequent events proved that this was all true, for the victory achieved at the Battle of the Thames destroyed

British power in upper Canada, and resulted in the recovery of the Territory of Michigan.

The Battle of Lake Erie was the last engagement of the War of 1812 that occurred within the territorial limits of Ohio. In song and story and on painter's canvas, Perry's Victory has been celebrated as an event of gallantry and patriotism that has added to the glory of the Republic. "We have met the enemy and they are ours" became an epigram of our National literature, and it will live in the memory of the American Navy, for around it cluster some of the bravest deeds of her seamen.

To the expenses of the War of 1812, Ohio contributed verylargely through taxation levied by the Government. Under the act of August 13, 1813, she contributed $104,150, and under that of January 9, 1815, she raised $208,300. This tax was in the nature of internal duties on the manufacture and sale of distilled spirits, licenses on carriages and auctions, and bank stamps. Governor Meigs won for himself the approbation of his State and country by his energetic and patriotic efforts in behalf of his flag. The legislature of Ohio encouraged and supported the Governor with all the measures and means necessary to make the proper military movements. Governor Meigs resigned his office March 25, 1814, to become Postmaster-General in President Madison's Cabinet.

The general effects of the war in Ohio were good. Upon the declaration of peace, December 24, 1814, a great many of the soldiers remained in the State, or removed here after they had passed through it in their marches. This additional population stimulated the

markets, and greatly increased trade. While in the East the war brought depression in business, in Ohio it was just the reverse. It is true, though, that speculation followed the successful years subsequent to the war, and much distress and financial ruin resulted.

Chapter X.

THE CONFLICT BETWEEN THE STATE OF OHIO AND THE BANK OF THE UNITED STATES

AFTER the war of 1812 the tide of immigration poured into Ohio a large population. Speculation ran into the most extravagant excesses. Over-improvement and unrestrained investment soon brought on the inevitable result. The state banks which had issued excessive notes found themselves unable to redeem them on demand, and soon the currency began to depreciate.

The condition that prevailed in Ohio obtained throughout the United States. After the War, this country was deluged with the importations of foreign manufacturers. The cost of the War was about $80,000,000 which had been paid by Government notes at a discount of twenty per cent. with a heavy burden of interest. There was no specie in circulation. One of the means of relief proposed was a Bank of the United States.

The first Bank, the Charter of which expired in 1811, proved of great benefit to the country. And it was now argued that a similar institution was an imperative necessity to remedy the financial evils resulting from the War. Henry Clay who had heretofore opposed the renewal of the charter of the first Bank favored it at this time. John C. Calhoun who reported the bill "to incorporate the subscribers to the Bank of the United States of America," said that it would "put an end to the suspension of specie payments, and restore to the people the national currency—that of gold and silver, alone recognized by the Constitution, of which they had for years been deprived."

After an extended debate Congress incorporated the "Bank of the United States" in April, 1816 by an act which was promptly signed by President Madison. It was to be established in Philadelphia with branches over the country, and was chartered for twenty years. Its board of directors was to consist of twenty-five persons, five of whom were to be appointed by the President and confirmed by the Senate. Its capital stock was $35,000,000, one fifth of which was to be subscribed by the Government, and it was to be the depository of the public moneys, which it was to disburse without charge. These could be removed at any time by the Secretary of the Treasury. The Bank was to pay the Government one and a half million dollars for its charter.

The Bank of the United States established two branches in Ohio, one at Cincinnati, January 28, 1817, and another at Chillicothe, October 13 of the same year. These branches issued notes extensively which had a tendency to depreciate the currency of the state banks. They also in due course of business acquired the notes of these banks in large quantities, and in calling upon them to redeem their paper, strained the solvency of those institutions. The result was that the notes of the state banks continued to depreciate, and many of them became valueless. This situation developed a clamor in opposition to the United States Bank that soon became widespread throughout the State. The politicians and the local banks, some of which were the "wildcat" institutions of a later day in embryo, joined in a popular crusade. In those days the banks formed the moneyed aristocracy of the

State, and they owned many a rotten borough, for they had a great influence in saying who should go to the Legislature, as well as who should remain at home. They railed at the big Bank with all the venom of political opponents, and the commercial rancor of business rivals. Filled with the spirit of the silversmiths of Ephesus against Paul, they cried that under the new financial regime "our craft is in danger to be set at naught."

The war on the Bank of the United States commenced almost as soon as the Legislature assembled. On December 13, 1817, a resolution was proposed in the House of Representatives and adopted (Journal of the House of Representatives. Sixteenth General Assembly. 1817. Page 90.) appointing a committee to inquire into the expediency of taxing such branches of the Bank as were or might be established within this State. The committee reported against the expediency of levying such a tax; but the House of Representatives reversed its report by a vote of 37 to 22. A substitute for this report was then offered, asserting the right of the State to levy such a tax and the expediency of doing it at that time. The constitutional right of the State to levy such a tax was asserted and adopted by a vote of 48 to 12, and the expediency of proceeding at once to levy the tax was carried by 33 to 27. A bill was immediately reported to the House providing for the tax. It was engrossed for the third reading and final passage, but upon the third reading was postponed to the second Monday of December, 1818.

The movement inaugurated in the Legislature met with the approval of its various constituencies. The feeling against the Federal Bank was stirred up to a fever point. Instigated by the local banks, and led by the politicians of a school opposed to anything like a United States Bank, the unmistakable public sentiment of the State was for the legislation left over from the last session. There was a conservative element that was not opposed to the Bank, but thought it ought to be taxed. But the overwhelming majority hated the institution as the last remnant of Federalism, and it was their purpose, if they could, to drive the Bank of the United States out of Ohio with the strong and resistless whip of taxation.

At the next session of the General Assembly, on February 8, 1819, the law imposing the tax was passed. In the preamble was stated the reason, and it was there declared that, "Whereas, the president and directors of the Bank of the United States have established two offices of discount and deposit in this State at which they transact business by loaning money and issuing bills in violation of the laws of this State"; therefore it was enacted (Chase's Statutes, II, 1072), that "upon the fifteenth day of September, annually, the Auditor of State shall proceed to charge the Bank of the United States with a tax of fifty thousand dollars upon each office of discount and deposit, at which they may continue to transact banking business, within this State, after the first day of September next, and so long as the Bank of the United States shall continue to transact banking business at any office of discount and deposit within this State."

MEDAL

Awarded to Colonel George Croghan by Resolution of the Congress of the United States, February 13, 1835.

Obverse: PRESENTED BY CONGRESS TO COLONEL GEORGE CROGHAN, 1835. Bust of Colonel Croghan, in uniform, facing thé right. FURST. F. (Maker).

Reversé: PARS MAGNA FUIT. (His share was great.) Major Croghan is defending, with one hundred and sixty men, Fort Stephenson against the attack of the British army and the Indian allies. In the background, three gunboats on Lake Erie. Beneath: SANDUSKY 2 AUGUST, 1813. FURST. F. (Maker).

PRESENTED BY CONGRESS TO COLONEL GEORGE CROGHAN
-1835-
FURST. F.

PARS MAGNA FUIT
SANDUSKY
2: AUGUST
1813
FURST F.

To the Auditor of State was committed the duty of enforcing this law. He was authorized to appoint "any person" he might choose to collect the tax, and in case payment should be refused, and such person could not find in the banking room any money, bank notes, goods, chattels or other property whereon to levy, he should go into each and any other room in such banking house, "and every closet, box or drawer in such banking house to open and search," and take possession of whatever might be found. With this limitless right of search he was authorized to take as much money from the places mentioned as would pay the tax. No such law was ever passed by any other State before or since. It was popularly known as the "crowbar law" from the weapon used in its enforcement.

Prior to the date on which the law was to go into effect, which was September 1, 1819, the Bank filed a bill in Chancery against the Auditor of State, Ralph Osborn, to enjoin proceedings under the law. The Auditor of State was advised by his counsel that the papers served on him did not act as an injunction, and he thereupon issued a warrant to one John L. Harper for the collection of the tax. On September 17, Harper, with Thomas Orr, his assistant, proceeded to Chillicothe, and entering the Bank's branch office, levied upon and forcibly took possession of the sum of $100,000, of which $19,830 was in specie and $80,170 was in bank notes on the office of Discount and Deposit of the Bank of the United States at Chillicothe. Harper paid $98,000 to the Treasurer of State, retaining two per cent. of the amount levied for his compensation.

He, with his assistant, was shortly afterwards imprisoned for their action at Chillicothe.

The bold conduct of the State authorities created intense excitement throughout the Union. It was regarded as open defiance of the settled law of the land expressed by the Supreme Court of the United States. Some time before this forcible levy upon the property of the Bank, the very same question had been decided under similar circumstances and conditions by the highest tribunal in the country. The officers of Ohio knew it, and what they did was in open contempt of the Supreme Court.

The case of McCullough vs. the State of Maryland (4 Wheaton's Reports, 316) was an exact parallel to the Ohio situation. The Legislature of Maryland about a year before Ohio passed its tax law, had passed a law taxing the branches of the Bank of the United States in that State. The law was contested by McCullough, the cashier of the United States Bank, in a case involving its constitutionality, and was decided at the February term, 1819, of the Supreme Court. The whole ground was carefully gone over by the Court, and an elaborate opinion delivered by Chief Justice Marshall. Concerning the gravity of the question involved, he said in the opening of his decision:

"In the case now to be determined, the defendant, a sovereign State, denies the obligation of a law enacted by the Legislature of the Union, and the plaintiff, on his part, contests the validity of an act which has been passed by the Legislature of that State." Continuing, the Chief Justice said:

"The Constitution of our country, in its most interesting and vital parts, is to be considered; the conflicting powers of the government of the Union and its members, as marked in that Constitution, are to be discussed; and an opinion given which may essentially influence the great operations of the government. No tribunal can approach such a question without a deep sense of its importance, and of the awful responsibility involved in its decision."

Proceeding then to a thorough and learned discussion of the powers of the States and the Government, especially in relation to the Bank, the Court solemnly declared:

"After the most deliberate consideration, it is the unanimous and decided opinion of this Court that the act to incorporate the Bank of the United States is a law made in pursuance of the Constitution, and is a part of the supreme law of the land."

It was further decided that:

"The Bank of the United States has, constitutionally, a right to establish its branches or offices of discount within any State.

"The State, within which such branch may be established, cannot, without violating the Constitution, tax that branch.

"The State Governments have no right to tax any of the constitutional means employed by the Government of the Union to execute its constitutional powers.

"The States have no power, by taxation or otherwise, to retard, impede, burthen or in any manner

control the operations of the constitutional means enacted by Congress to carry into effect the powers vested in the National Government."

It was in the face of this decision that the Ohio authorities collected their tax. In the meantime the Bank secured an order of the United States Circuit Court sequestrating the money in the State Treasury, until the final decision of the Supreme Court. Thwarted in the courts, the enemies of the Bank turned again to the Legislature. Ralph Osborn, the Auditor of State, reported all the proceedings had against him since the last session, and this report was referred to a joint committee of the House and Senate.

On December 12, 1820, this committee made a very remarkable and elaborate report. It may be found in its entirety in the House Journal of the Nineteenth General Assembly of Ohio. It denounced and repudiated the decision in the McCullough case. The committee referred to it thus: "This agreed case was manufactured in the summer of 1818, and passed through the county court of Baltimore county, and the Court of Appeals of the State of Maryland, in the same season, so as to be got upon the docket of the Supreme Court of the United States, for adjudication, at the February term, 1819." The decision was obtained, said the committee, through "a maneuver of consummate policy."

The committee recommended the ignoring of the decision altogether. With suggestive appropriateness the case of President Jefferson withholding a commission from a justice of the peace of the District of

Columbia was referred to as a precedent justifying defiance of the Supreme Court. On this subject the committee in this report said:

"In the case of Marbury vs. Madison, the Supreme Court of the United States decided that William Marbury was entitled to his commission as justice of the peace for the District of Columbia; that the withholding of this commission by President Jefferson was violative of the legal vested right of Mr. Marbury. Notwithstanding this decision, Mr. Marbury never did obtain his commission; the person appointed in his place continued to act; his acts were admitted to be valid, and President Jefferson retained his standing in the estimation of the American people. The decision of the Supreme Court proved to be totally impotent and unavailing.

"So in the case of Fletcher vs. Peck, the Supreme Court decided that the Yazoo purchasers from the State of Georgia were entitled to the lands. But the decision availed them nothing, unless as a make-weight in effecting a compromise.

"These two cases are evidence that in great questions of political rights and political powers, a decision of the Supreme Court of the United States is not conclusive of the rights decided by it. If the United States stand justified in withholding a commission, when the Court adjudged it to be the party's right; if the United States might, without reprehension, retain possession of the Yazoo lands, after the Supreme Court decided that they were the property of the purchasers from Georgia, surely the State of Ohio ought not to be condemned because she did not abandon her

solemn acts as a dead letter upon the promulgation of an opinion of that tribunal."

With the same specious reasoning adopted by the nullifiers of later dates, the committee argued that the State was sovereign and the Union a compact. The astounding doctrine, afterwards reiterated by President Buchanan's Attorney General, that the nation possessed no power of self-preservation, was declared by the committee: "A combination between one-half of the States comprising one-third of the people only, possess the power of disorganizing the Federal Government, in all its majesty of supremacy, without a single act of violence."

The resolutions of 1798, declaring the doctrine of state sovereignty, were quoted at length, and their principles heartily approved. Then came the remarkable recommendation of the committee. It was nothing more nor less than to annul the decision of the Supreme Court in McCullough vs. Maryland, by declaring the Bank of the United States an outlaw and beyond the protection of the laws of Ohio. The report reads:

"For this purpose, the committee recommend that provision be made by law forbidding the keepers of our jails from receiving into their custody, any person committed at the suit of the Bank of the United States, or for any injury done them; prohibiting our judicial officers from taking acknowledgments of conveyances, where the Bank is a party, or when made for their use, and our recorders from receiving or recording such conveyances; forbidding our justices of the peace, judges and grand juries, from taking any cogni-

PERRY ORDERING THE FIRST FIRING
AT THE BATTLE OF LAKE ERIE

From a painting by John W. Jarvis.

PERRY ORDERING THE FIRST FIRING
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zance of any wrong alleged to have been committed upon any species of property, owned by the Bank, or upon any of its corporate rights or privileges, and prohibiting our notaries public from protesting any notes or bills, held by the Bank or its agents, or made payable to them."

The committee concluded its report by recommending the adoption of resolutions declaring it to be the sense of the General Assembly "that in respect to the powers of the governments of the several states, that compose the American union, and the powers of the federal government, this general assembly do recognize, and approve the doctrines asserted by the legislatures of Kentucky and Virginia, in their resolutions of November and December, 1798, and January, 1800, and do consider that their principles have been recognized and adopted, by a majority of the American people."

They further declared the right to tax the Bank, and protested "against the doctrine, that the political rights of the several states that compose the American union, and their powers as sovereign states, may be settled and determined in the supreme court of the United States, so as to conclude and bind them, in cases contrived between individuals, and where they are no one of them, parties direct."

This report was adopted, and in accordance with its recommendations the General Assembly proceeded to its inimical legislation. On January 29, 1821, (Chase's Statutes, II, 1185) they passed "An act to withdraw from the Bank of the United States the protection of the laws of this State in certain cases."

As a law it has no parallel outside of the act of nullification passed by South Carolina in 1832, and the ordinances of secession of 1861. This law, so extraordinary and alarming, and at the same time so repugnant to every idea of common justice, in effect outlawed that which Chief Justice Marshall called one of the "constitutional means employed by the government of the Union to execute its constitutional powers." It was legislation against a Bank constitutionally in existence, and whose charter was "a part of the supreme law of the land."

Trampling upon all these considerations, the Ohio Legislature made it a criminal offense to protect the property of the Bank of the United States; it was contrary to the Ohio Statute to punish burglary, theft or arson upon national Bank property. It was declared illegal for any judge, justice of the peace, or any other judicial officer appointed under Ohio authority, to acknowledge or receive proof of acknowledgment of any deed or mortgage to which the Bank or any officer was a party. It was an offense for any recorder to record any such instrument. Notaries public were forbidden to protest United States Bank paper. Such was the climax in Ohio's fight of nullification. Under her laws the Federal Government was stripped and bound, and driven beyond her borders. The protection that was given to an alien or a criminal was denied to the Nation.

The resolutions of 1798, that led to nullification in 1832, and secession in 1861, were proudly announced in 1820 as Ohio's construction of constitutional law. When Alexander Hamilton read the Virginia and

Kentucky resolutions he said: "This is the first symptom of a spirit which must be killed, or it will kill the Constitution of the United States." The nullifiers of Ohio carried out to the letter these resolutions. They held, as set forth in the legislative report referred to, and as their subsequent acts showed, the doctrine advocated by Jefferson: "that the Government created by this compact (referring to the Constitution) was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion and not the Constitution, the measurer of its powers; but that, as in all cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infraction as of the mode and measure of redress." The authorities of Ohio judged for themselves the limit of authority of the National Government, and chose the mode of redress. Their measures were more stringent, effective, and more completely nullified the supreme law of the land than did the measures of South Carolina twelve years after.

The State of Ohio by these proceedings had exhausted itself in its repudiation of Federal authority to do banking business within its limits. It now turned to the courts to seek what it failed to accomplish by legislation. When the Bank had successfully prevented the tax collected being used as State funds, the case was appealed to the Supreme Court of the United States. This case, reported in 9 Wheaton's Reports, 738, is entitled, "Osborn and others, Appellants vs. The President, Directors, and Company of the Bank of the United States, Respondents," and

it is one of the most important decisions of its time. All parties concerned seem to have been fully impressed with its gravity. It amounted to an attempt to secure a reversal of the celebrated case of McCullough vs. Maryland, and the appeal was in effect an application to reopen and reargue that case, for the circumstances were identical.

Henry Clay, Daniel Webster and John Sargent, together with the Attorney General, William Wirt, were the attorneys for the Bank, and Charles Hammond and John C. Wright represented the State of Ohio. Rarely has a case been in the hands of so distinguished counsel, and all indications pointed to a stubborn intellectual struggle. Charles Hammond was the ablest lawyer in the State at this time, and, indeed, he ranked with his opposing counsel in legal ability and power. He drafted, while in the legislature, all the reports against the Bank, and was the leader that aggressively massed the public sentiment of Ohio against it. In the public press, in the halls of legislation and in the courts, Hammond's opposition took persistent form. By speech, brief, and pamphlet he argued in favor of taxing the Bank.

While the case of Osborn was pending in the Supreme Court there was much agitation on the question whether the court would review McCullough vs. Maryland. The Ohio Legislature published an appeal to the people written by Charles Hammond. It was complimented by Jefferson and Madison, though cautiously and with reserve. The States of Connecticut, New York, New Hampshire, Virginia and Georgia by their officials and legislatures expressed

themselves on this subject. The latter two, having similar cases of their own, wanted to join Ohio in order to make the appeal more formidable. Governor Brown of Ohio was of the opinion that Hammond had made such a strong case that the Supreme Court would surely reverse the Maryland decision.

The hearing came in the February term, 1824. Hammond's argument was on the lines laid down in his legislative reports. It was more temperate and admirable than these, however, and more comprehensive and logical. He alleged various grounds of error, but there were two important and far-reaching ones upon which he rested his case. The first of these propositions was, that the State of Ohio was the sole defendant and could not be sued in the Circuit Court; that it was a case of original jurisdiction in which the Supreme Court alone was authorized to act. In other words, the Bank had no right to an action or injunction in the court below for want of jurisdiction. His next proposition was that the Bank was not exempt from the taxing power of a State, and therefore the act of Ohio was valid and constitutional. On this point Hammond contended strongly that the Bank was engaged in private banking business in Ohio and therefore was subject to taxation by the State.

This latter question was, of course, the great issue involved. "The question whether the Bank of the United States," said Mr. Hammond, "as now constituted, is exempt by the Constitution of the Union from the taxing power of the state, depends upon the nature and character of the institution. If it

stands upon the same foundation with the mint and post office, if its business can justly be assimilated to the process and proceedings of the federal courts, I admit without hesitation that it is entitled to the exemption it claims. The state cannot tax the offices, establishments, and operations of the national government. It is not the argument of the opinion in McCullough vs. Maryland, but the premises upon which that argument is founded, that I ask the court now to re-examine and re-consider. I ask what that opinion, as I conceive, does not contain—a full, distinct, and explicit exposition and definition of the true nature and character of the Bank."

There have been many cases of great importance involving national questions before the august judicial tribunal of our country, but possibly excepting the Dred Scott case, none involved a more serious question of national supremacy. The Supreme Court at this time was composed of John Marshall, Chief Justice, and Associate Justices Bushrod Washington, William Johnson, Thomas Todd, Gabriel Duvall, Joseph Story, and Smith Thompson. The opinion of the Court was delivered by the Chief Justice. As we read the decision to-day we see the great Virginian in the climax of his judicial power. In opportuneness and propriety of illustration, in strength and logic of reason and in crushing destruction of fallacious reasoning, no other opinion of his excels this. With clearness, each of the arguments presented by Hammond was analyzed, and their fallacy laid bare under the construction of the Court.

As to the contention that the Bank was engaged in private business, and was not a governmental function, the Chief Justice replied: "The appellants rely greatly on the distinction between the bank and the public institutions, such as the mint or the post office. The agents in those offices, are, it is said, officers of government, and are excluded from a seat in congress. Not so the directors of the bank. The connection of the government with the bank, is likened to that with contractors.

"It will not be contended, that the directors, or other officers of the bank, are officers of government. But it is contended, that, were their resemblance to contractors more perfect than it is, the right of the state to control its operations, if those operations be necessary to its character, as a machine employed by the government, cannot be maintained. Can a contractor for supplying a military post with provisions, be restrained from making purchases within any state, or from transporting the provisions to the place at which the troops were stationed, or could he be fined or taxed for doing so? We have not yet heard these questions answered in the affirmative. It is true, that the property of the contractor may be taxed, as the property of other citizens; and so may the local property of the bank. But we do not admit that the act of purchasing, or of conveying the articles purchased, can be under state control.

"If the trade of the bank be essential to its character, as a machine for the fiscal operations of the government, that trade must be as exempt from state control as the actual conveyance of the public money. Indeed,

a tax bears upon the whole machine; as well upon the faculty of collecting and transmitting the money of the nation, as on that of discounting the notes of individuals. No distinction is taken between them.

"Considering the capacity of carrying on the trade of banking, as an important feature in the character of this corporation, which was necessary, to make it a fit instrument for the objects for which it was created, the court adheres to its decision in the case of McCullough against The State of Maryland, and is of opinion, that the act of the state of Ohio, which is certainly much more objectionable than that of the state of Maryland, is repugnant to a law of the United States, made in pursuance of the constitution, and, therefore void. The counsel for the appellants are too intelligent, and have too much self respect, to pretend, that a void act can afford any protection to the officers who execute it."

And thus the final blow was given to the legal rebellion in Ohio, and another of a series of decisions was given which served to strengthen our Nationality. And yet even after this, it took forty years of discussion, of nullification, of secession and of civil war to settle the American Government upon a stable foundation.

Charles Hammond was the full force back of this agitation. Notwithstanding his early Federalism, he surely was dragged far from his moorings when he penned the reports that advocated the Resolutions of 1798 as the proper definition of our Federal relations. It must be said, however, that in his after life he never approved the principles of his legislative reports. It would leave this chapter incomplete and the record

of this event unfinished, to pass unnoticed the character and career of its chief actor.

Few of this generation realize that Charles Hammond was the most potential figure of his time in Ohio. There are some men of such superior mentality that the extrinsic aid of education and a college course seem unnecessary. Such a man was Charles Hammond. His mind was of a fundamental cast. Great truths came to him as guests and he entertained them as a host who more than welcomed them. He only wanted the basic principles of knowledge. He did not seek for its jewels or ornaments. The polish of scholarship, so necessary to those who are the rich fruit of studied accomplishments, would have appeared as tinsel on a character like Hammond's, and while he recognized its usefulness in others, he acquired by force of pioneer necessity, that education whose roughness indicated that it had been hewn by the blows of a broad ax.

One of his contemporaries, Governor Greene of Rhode Island, relates that in 1824, after the great Bank case had been argued, he took a trip down the Potomac with Chief Justice Marshall, who made many inquiries about Hammond. "He spoke," said Governor Greene, "of his remarkable acuteness and accuracy of mind, and referred with emphatic admiration to his argument before the Supreme Court in the Bank case. He said that he met no judicial record of equal intellectual power since Lord Hardwicke's time." Governor Greene, who knew Hammond intimately for the last twenty years of his life, and who, himself, was a prominent lawyer, said of Hammond that

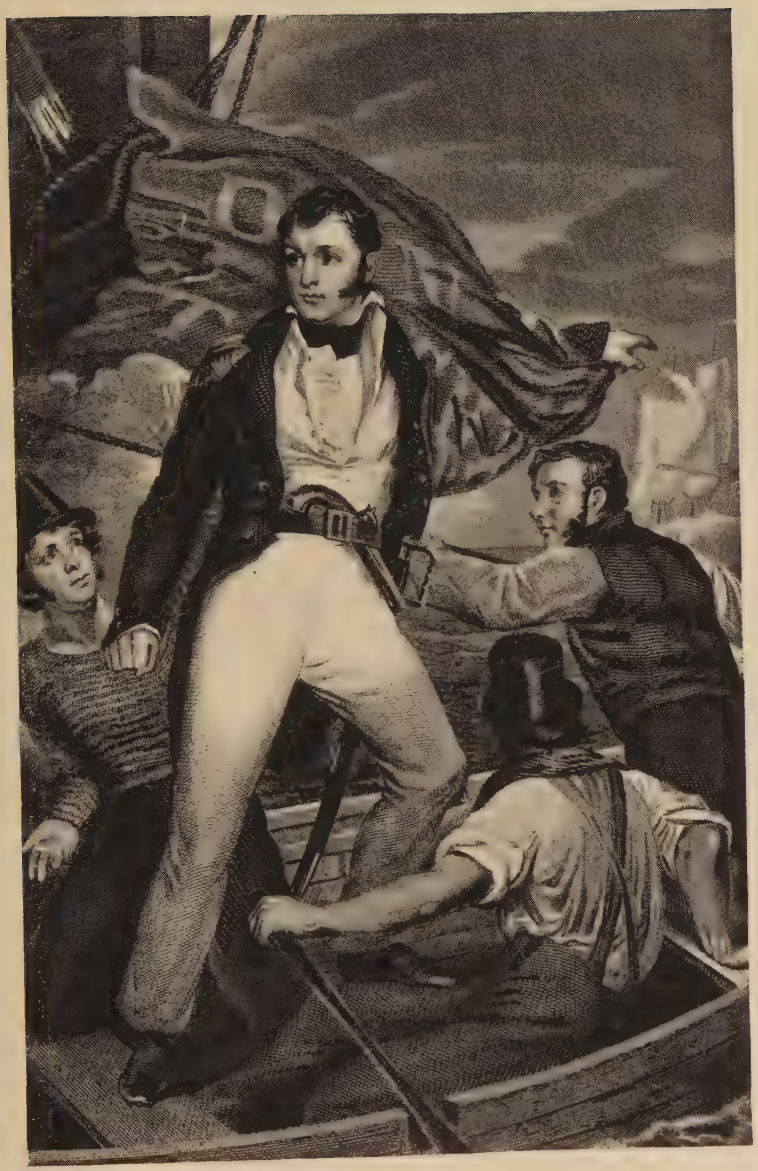
"intellectually he was without a superior in our country." "In the legal action of his mind," he said, "he was immensely self-reliant, and cared little for what is called authority, except as it agreed with his own views. In this respect, he belonged to the same class as the English Holt, Hardwicke and Mansfield, and the American Marshall, Parsons and Webster. These men got their law from their own minds, and not mainly from books that record the opinions of others; in other words, they made authority rather than followed it."

His printed legal arguments, if we are to believe the lawyers of his time, were the pride and delight of the Bar. Thomas Ewing, the elder, said of him that "Hammond spoke at the Bar as good English as Addison wrote in the Spectator." In 1826 Mr. Hammond removed to Cincinnati, and in addition to the practice of the law, he assumed the profession of journalism. He was the first editor of the *Cincinnati Gazette*. Edward D. Mansfield, who lived there at the time, in his "Personal Memories," says of Hammond the editor: "I know of no writer who could express an idea so clearly and so briefly. He wrote the pure old English, the vernacular tongue, unmixed with French or Latin phrases or idioms, and unperverted with any scholastic logic. His language was like himself—plain, sensible and unaffected. His force, however, lay not so much in this, as in his truth, honesty and courage, these moral qualities which made him distinguished in that day, and would distinguish him now." Justice Noah H. Swayne of the United States Supreme Court, once said this

PERRY ON HIS WAY TO THE NIAGARA

From a painting by John W. Jarvis in the Hall of Records, New York.

This portrait was ordered by the Common Council of the City of New York shortly after Perry's famous victory. As it was taken from life it can be regarded as a faithful likeness.



of him: "It was Mr. Hammond's habit to argue great questions of Constitutional law in the editorial columns of the *Gazette*. The depth, the fine discrimination, the iron-linked logic of those disquisitions, were surpassed by nothing I heard from the first lawyers of the land while on the Supreme Bench."

In addition to his dualistic professional success, Hammond was long distinguished in public life. In 1813 he was elected from Belmont County to the Ohio Senate, serving in the Twelfth and Thirteenth General Assemblies. In 1816 he was elected to the Ohio House of Representatives, serving until 1822. He was the first Reporter of the Supreme Court, from 1823 to 1838, and during that time he edited the first nine volumes of the Ohio Reports. In the meantime he was practicing law and writing editorials. He enjoyed throughout his life the friendship of such men as Jefferson, Adams, Clay, Crawford, Marshall, Webster, Jackson and Harrison. During the latter days of President John Quincy Adams' administration, he tendered to Mr. Hammond a seat on the Supreme Court, but it was declined. His brilliant career was ended April 3, 1840, at Cincinnati, where he died in his sixty-first year.

Chapter XI.

THE ERA OF CANAL CONSTRUCTION AND ITS HEROIC FIGURE, ALFRED KELLEY

THE year 1820 marks two striking facts in the civil history of Ohio. First, it was the climax of the most rapid increase in her population of any period. From 1800 to 1820 the population rose from 45,365 to 581,295, and from the eighteenth state in rank in the census she moved up to the fifth place. She had become greater in population than the state that sent her the pioneers to found Marietta. The only states in the Union that exceeded her were New York, Virginia, Pennsylvania and North Carolina; she had outstripped in the race of population every other one of the original thirteen. Thus had the young Giant of the West developed in strength.

Second, the year 1820 was the beginning of the most progressive period in her history. Marked as had been her progress up to this date, an era of still greater improvement was in store for Ohio. The agencies of this revival proved to be the canals and the common school system, both of which, by a singular coincidence, can trace their birth to the same General Assembly, and in fact to the same day and hour. Their wonderful and far-reaching influence in developing the intellectual and material resources of Ohio, forms one of the most interesting subjects in our civil history. They are worthy of all the details that the historian can bestow upon them, and no student can fully understand why Ohio has become so steadfastly progressive without taking into account, as the most powerful factors, her internal improvements and educational system.

The connection of the Ohio River with Lake Erie was broached very early by Washington and Jefferson, even before the passage of the Ordinance of 1787. The policy of projecting and constructing internal improvements was practically introduced into American politics by a Senator from Ohio, Thomas Worthington, who, in 1814, became Governor of his State. He was the author of a resolution proposed in 1807, asking the Secretary of the Treasury (Albert Gallatin) to report to the Senate "a plan for the application of such means as are within the power of Congress, to the purposes of opening roads and making canals, together with a statement of undertakings of that nature, which, as objects of public improvement, may require and deserve the aid of the Government."

This power was disputed strenuously by a school of strict constitutional objectors, who claimed that there was no power in the Federal Government to make such projects or expenditures. But the march of improvement could not be stopped, and the ideas of Thomas Worthington entered into and became elements of our National policy. The Government never at any time contemplated the construction of canals in Ohio, but it gave National aid by grants of land, as we shall see hereafter, amounting to vast areas and of great value.

It took time and changed conditions to develop Worthington's ideas into practice. The evolution to this end blossomed forth as the State grew in importance and density of settlement. We need but to recall the primitive modes of travel to see that progress in domestic communication was inevitable.

PERRY'S VICTORY

From the original painting by William H. Powell in the Capitol at Columbus.

This painting was executed under a contract authorized by a joint resolution of the General Assembly of Ohio, passed, April 17, 1857; April 13, 1865, the General Assembly authorized the Governor to purchase the painting for ten thousand dollars.

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The land transportation from Ohio over the mountainous and muddy roads rendered commerce almost impossible. The six-horse covered "mover" wagons, the driver riding the near wheel horse, toiled laboriously over these miserable roads which were stoned or corduroyed only in the worst places. As a result a large portion of the merchandise was carried on the backs of the patient horses. The arrival and departure of the stage coach which carried passengers and mail were familiar and important events to the villagers in the first part of the century in Ohio.

The necessity for better methods of overland travel brought about the establishment of turnpikes and improved roads. In 1806 such was the difficulty of trans-Alleghany travel that Congress ordered the construction of the National road from Cumberland, Maryland, to Wheeling on the Ohio River, and thence across the State through Columbus to the western boundary. This road was completed to the Ohio line in 1825, and finally completed to the Indiana line. Much of this turnpike was well paved with broken stone and cost a great deal of labor and money.

In 1808 by a treaty made with the Indians, they granted the right of way for a road to be built from the Firelands, the western end of the "Western Reserve," to Perrysburg on the Maumee. In 1823 Congress granted to Ohio considerable territory on each side of the road, provided she would complete the road in four years. The gift was accepted and the condition fulfilled. Other good roads, mainly graded clay roads, were built from Columbus and Cincinnati to various points, and one from Warren

to Lake Erie. But before a general system was devised and undertaken, canals and railroads had demonstrated that they would afford the chief means of inland transportation, and road making ceased.

The extensive system of internal improvements, represented by the canals, was only inaugurated by force of the deplorable situation which the people of that time found themselves confronting. While Ohio's increase of population as evidenced by the fourth census was phenomenal, she remained poor. This was due almost entirely to a failure to secure an adequate market for her surplus farm products, and consequently these products produced almost no revenue.

Few now appreciate the poverty of Ohio during this period. In 1825 the entire revenue of the State from taxation was only $131,733.48. The population was almost wholly rural, with a revenue from the farms correspondingly low. In 1822 wheat was selling at 25 cents a bushel, corn at 12½ cents, oats at 14 cents and potatoes at 18¾ cents; pork sold at 2 cents a pound, beef 3 cents, butter 6 cents, wool 50 cents and flax 10 cents; eggs were 4 cents a dozen and chickens 5 cents each. It must also be remembered that nearly all exchange was by barter, and except in households and for family purposes there was practically no manufacturing. Under all these conditions it was apparent that there might be a large population in Ohio, but not progress nor material prosperity. A few wise and far-seeing men realized that the State with its richness of soil, inexhaustible mineral resources and opportunities for manufactures, could never reach

its proper destiny so long as land was cheap, money scarce and the inhabitants poor.

New York was solving the same problem by building the Erie canal and was meeting with success. The men who espoused a similar improvement for Ohio were among the foremost of that period, but they had little encouragement at first. They had to convince a scattered population of poor landowners that in order to make profitable their undeveloped treasures, a vast and costly system of canals was necessary; that this improvement would burden them with heavy taxes, but that in the end they would be enriched an hundred fold, and that the markets of the East and South would be brought to their doors. This was a great and almost hopeless task, but the men back of this sentiment were really of great courage, ability and foresight, and they had an unbounded confidence in the future of the State that inspired them with an indomitable spirit.

The first steps toward the construction of canals can be traced to Ethan Allen Brown of Cincinnati. In 1806, while he was a judge of the Superior Court, he corresponded with DeWitt Clinton of New York upon canal projects. Clinton was at that time the leading figure of the Board of Canal Commissioners of New York, and an enthusiastic advocate of the Erie Canal. Judge Brown saw the immense importance of connecting the Ohio River with the lakes and urged upon every occasion the consummation of such an enterprise. During the years 1817 and 1818 a healthy sentiment was developed as to the necessity of maturing and acting upon some great system of

Internal Improvements. Throughout these two years the newspapers of the State teemed with essays on the subject; debating societies took it in hand; public speakers impressed the minds of the people with its importance; and every agent and channel calculated to create a favorable public sentiment was employed.

This sentiment was not crystallized into concrete form until Ethan Allen Brown was elected governor in 1818. Here he had the power and influence to bring before the people of his State the great idea of his life. So enthusiastic and determined was he in behalf of the proposed canals, that his opponents designated the entire project as "Brown's Folly."

In his inaugural address, December 14, 1818, he said: "If we would raise the character of our State by increasing industry and our resources, it seems necessary to improve the internal communications, and open a cheaper way to market for the surplus produce of a large portion of our fertile country."

Again, in his first message to the Legislature, on the 8th of January following his inauguration, he urges that body to action: "You will bear in mind that our productions, which form our only great resource, are generally of that bulky and ponderous description as to need every easement in conveyance that we can afford. Experience is a faithful monitor; and the millions expended for transportation during the late war may teach a useful lesson; another may be learned from the present difference between the price of salt on the lake shore and on the Ohio. I have already evinced an anxiety on this subject, excited by a strong sense of its vital importance.

Roads and canals are veins and arteries to the body politic that diffuse supplies, health, vigor and animation to the whole system; nor is this idea of their extensive and beneficial influences new.

"The evidence in the old world is ample—in the United States sufficient. Massachusetts, Virginia, North and South Carolina, have proved the usefulness of artificial navigation. New York is making progress in a work in grandeur not surpassed by the achievements of art that connect by water the North Sea with the English Channel, the Caspian with the Baltic, or the Mediterranean with the Bay of Biscay.

"Nature strongly invites us to similar enterprise. The aspect of the face of this state announces capabilities for the grand object in question, exceeded, I presume, by few regions of the same extent, yet with what exertions practicable, or how far within our means, cannot be ascertained without the assistance of an engineer. I appeal to each individual member who has considered the bill introduced into the Senate for incorporating a company to cut a canal from Lake Erie to the Ohio whether he has not felt a difficulty in deciding, from want of information which a skillful survey could have furnished? Unwilling to act in the dark, yet fearful of discouraging a project so grand and magnificent, fraught with an influence upon our relations, commercial and fiscal, almost incalculable. Unconscious, on the one hand, what privileges the company might be justly entitled to as their reward—what other encouragement they might deserve—and what sacrifices, public and private, justifiable, for completing a work so immense, yet

sensible, on the other hand, that the resources at present within your control may be inadequate to the construction and formation of great commercial roads and extensive canals; and for the latter purpose dependent in a great degree upon individual enterprise and private capital.

"Your acquaintance with mankind and with the condition of the country, forbidding the expectation that individuals will embark an immense capital in an arduous undertaking and incur the risk and incident delay before their stock shall become productive; unless induced by ultimate prospect of great advantages. The report of your engineer would relieve you from such hesitation."

The result of the Governor's recommendations was an act which provided for the appointment of three commissioners to locate a route for a canal; but obstructions were placed in the way of its execution and nothing was accomplished under it. In the Twentieth General Assembly, December 6, 1821, Micajah T. Williams of Cincinnati, one of the Representatives from Hamilton County, offered a resolution providing for the appointment of a committee of five members to consider and report on so much of the Governor's message as related to the canals. This committee was the active force that initiated the movement fraught with so much importance to Ohio; its members were Micajah T. Williams of Hamilton County, chairman, Thomas Howe of Trumbull, Thomas Worthington of Ross, William H. Moore of Muskingum and John Shelby of Logan and Wood. It is an interesting fact to record here, as showing the

MEDAL

Awarded to Captain Oliver Hazard Perry, by Resolution of the Congress of the United States, January 6, 1814.

Obverse: OLIVERUS H. PERRY. PRINCEPS STAGNO ERIENSE, CLASSIM TOTAM CONTUDIT. (Oliver H. Perry, commander-in-chief, destroyed on Lake Erie an entire fleet.) Bust of Captain Perry, in uniform, facing the right.

Reverse: VIAM INVENIT VITRUS AUT FACIT. (Valor finds or makes a way.) The United States fleet on Lake Erie, carrying fifty-four guns, and commanded by Captain Perry, stands out to meet the British fleet with sixty-three guns, under Captain Barclay. Beneath: INTER CLASS. AMERI. ET BRIT. DIE X. SEP. MDCCCXIII. (Inter classim Americanam et Britannicam, die 10 Septembris, 1813: Between the American and British fleets, September 10, 1813.) FURST. F. (Maker).

OLIVERUS H. PERRY. PRINCEPS STAGNO ERIENSE.
CLASSIM TOTAM CONTUDIT.

VIAM INVENIT VIRTUS AUT FACIT
INTER CLASS. AMERI.
ET BRIT. DIE X. SEP.
MDCCCXIII.
FURST.Y.

harmonious relationship between the friends of the canals and education, that within fifteen minutes after the passage of this resolution, Caleb Atwater, a Representative from Pickaway County offered a resolution which was immediately adopted, providing for a committee on schools and school lands.

The report of the committee on the question of canal navigation between Lake Erie and the Ohio River was made to the House of Representatives, January 3, 1822. It was a powerful and elaborate argument for canals as a promoter of the agricultural, manufacturing and commercial interests of Ohio. With painstaking detail, it gave the advantages of cheap transportation to the farmer and manufacturer, and demonstrated its powerful influence in cementing the bond of union between the states by its far-reaching intercourse and interest. Even the canal as a military factor was considered at length, and its political importance was shown to be great. In short, this report viewed the proposed canal system from every conceivable standpoint. Its practicability, its utility, its expense, its effect, its growth, its influence, all were treated with a pen worthy of the vast subject, and from a decidedly statesmanlike point of view.

The report dwelt upon three particulars: the expense, the profits and the means. It went into a comparison of the cost of the Erie Canal with the Ohio Canal and demonstrated that the latter could be constructed at much less expense. It showed how it would benefit the State by revenue, and the shippers by cheap transportation. The desirable market was that of New York, which was preferred from a mone-

tary standpoint to New Orleans. Flour in Cincinnati was $3.50 a barrel, in New York it was $8.00. A canal, said this report, could ship this flour to New York for $1.70 a barrel, a profit of $2.80. Attention was called to the fact that there were 130,000 barrels of flour inspected at Cincinnati in 1818 and 1819; if this were sold in the New York market it meant $364,000 profit to the Miami country farmers.

Pickaway County was cited as an example of the benefits that farmers would derive from the canal. This county grew 400,000 bushels of wheat a year, which would produce 80,000 barrels of flour. This at ten barrels to the ton would equal 8,000 tons for transportation. If freight and toll on the canal were $3.00 a ton, the transportation charges would be $24,000. If transported by land it would cost at $25.00 a ton, $200,000; thus the difference in favor of the canal would be $176,000 in one county alone on a single product. As it was with this county, the committee argued, it would be with the other counties of the State. The question of markets was then discussed. At that period New Orleans was the principal market for the Ohio farmer. But here he labored under a great disadvantage, for it was likely to be overstocked when he got there, and he was then compelled either to ship his products home again or sell them at a sacrifice that would not pay freight and charges.

As to the financial justification for the construction of the canals, the report stated that the revenues would be sufficient to maintain them. There would be much shipping from Indiana, Kentucky and Western

Pennsylvania through the canal to the New York markets. Summing all things up, the report estimated the cost of the canal from the Lake to the River at $2,500,000, and it was believed that the revenues in six years would reimburse the State for the principal and interest expended in construction. This could be done without extra taxation, as it was thought that the General Government would donate sufficient lands from which money would be obtained by sale or loans. In closing, the committee recommended that the Governor be authorized to cause a route to be surveyed and the cost estimated.

Upon the reading of the report, Mr. Williams presented a bill "Authorizing an examination into the practicability of connecting Lake Erie with the Ohio River by a canal." By its terms Benjamin Tappan, Alfred Kelley, Thomas Worthington, Ethan A. Brown, Jeremiah Morrow, Isaac Minor and Ebenezer Buckingham, Jr., were constituted a commission to make the necessary examinations and estimates, looking toward the construction of a canal. A sum not exceeding $6,000 was appropriated for the purposes of the act. Thus after six years of agitation, resolutions and messages, the first real step was taken looking to the establishment of the canal system of Ohio. This bill became a law January 31, 1822.

And again it is worthy of noting that on the same day and hour the joint resolution providing for the appointment by the Governor of a commission to devise a common school system passed the Senate. The same messenger fron the Senate to the House announced the final passage of both. "Thus," says

Caleb Atwater, author of the school resolution, "it appears that both these measures originated in the House of Representatives on the 6th day of December, and that both became laws on the 31st of January thereafter; they originated within fifteen minutes of each other, and they passed into laws simultaneously."

The Examining Commissioners worked industriously. For three years examinations and surveys were carried on. They made annual reports as to their progress and work. Money was further appropriated as needed—$4,000 in 1823 and $6,000 in 1824. In their third annual report, January 8, 1825, they recommended that the canal be constructed at once. In this report they described different routes the canal might take, set forth the manner in which funds might be raised and gave a tabular statement showing the probable sum required each year. On February 1, 1825, a supplemental report was made containing a detailed statement of the expenses of the Commissioners.

On February 4, 1825, an act entitled "An Act to provide for the Internal Improvement of the State of Ohio by Navigable Canals," and which authorized the Commissioners therein provided for to construct a canal on the Muskingum and Scioto route from the mouth of the Scioto River to Lake Erie, and also a canal on so much of the Maumee and Miami line as lies between Cincinnati and Mad River, at or near Dayton, was enacted and became a law.

Thus committed to the most gigantic work and the greatest expense ever proposed in her history, Ohio at once took steps for practically carrying into effect her legislation.

In every great movement there is developed some man who quickly and rapidly seizes the situation and forces it onward to success. He may not have been the originator, nor even a pioneer of the idea, but he shapes into concrete form the work of those who have gone before, and with his practical mind transforms the idea into a fact. In the era of internal improvement in Ohio, this man was Alfred Kelley. As the head of the Board of Canal Commissioners he has left on the records of his time an indelible impress of his forecast, sagacity and judgment. On the subject of canal construction he was a level-headed optimist and a conservative enthusiast. It was his reports to the Legislature that convinced and induced that body to regard the enterprise as necessary to a complete development of the State, and that the people of Ohio had sufficient credit and means to justify an undertaking of the vast project.

This alone was no easy task. In 1826 the value of all the taxable property in Ohio, both real and personal, was $57,982,640; the estimate of the cost of the canal system as shown in the reports of the Canal Commissioners was $5,715,203, nearly ten per cent. of the total tax valuation. The people of Ohio were at first staggered by these figures. In their enthusiasm they clamored for canals, but when the cold cost was given them they almost weakened in their determination. Nothing but the greatest confidence in Alfred Kelley's judgment could have overcome this financial situation. So they gave him the money and the power for his great work. The Legislature practically said: "You say you can build

these canals with so much money; here it is, do it." And it must be written that he practically kept within his estimates; the cost only increased when the original plans were changed.

The life of this master spirit, who accomplished more for the material progress of Ohio than any other man in her history cannot fail to interest the reader. For thirty-five years he was the leader in State business legislation, and as a conservative financier he was easily without a rival in his day. He was born in Middlefield, Connecticut, November 7, 1789. In June 1810, in his twenty-first year, he settled in Cleveland, which at that time had three frame and five or six log houses. The same year he was admitted to the Bar, and was soon appointed Prosecuting Attorney for Cuyahoga County, which office he held for twelve years. He resigned it to become Canal Commissioner in 1822.

At twenty-five, the eligible age under the first Constitution, we find him in the Legislature representing Cuyahoga, Ashtabula and Geauga counties. Although the youngest man in the body, he soon became one of its most influential members. Judge Alfred Yaple of Cincinnati, years afterwards—in 1856-7—served in the Legislature with Mr. Kelley, who was then a member of the Senate. He has left a pleasant memento, written in 1875, of the latter's public life in "Reminiscences of Alfred Kelley," in which he speaks of the active and leading part Mr. Kelley assumed as a legislator. "During one of the sessions," says Judge Yaple, "he prepared and introduced a proposition to reform the practice in our

CHARLES HAMMOND

From a painting in the office of the Reporter of the Supreme Court at Columbus.

Born in Baltimore County, Maryland, in September, 1779; removed to Ohio when six years of age; admitted to the bar in 1801; served various terms in the Legislature from 1813 to 1822; removed to Cincinnati in 1822 where he edited the Gazette until his death; was Reporter of the Supreme Court from 1823 to 1838; while in the Legislature led the opposition to the United States Bank; died at Cincinnati, April 3, 1840.

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courts. His proposition looked to the lopping off of all the formalities and verbiage of the old system of pleading and simplifying it. This proposition was the forerunner of our code, which came some thirty years afterward. It also provided for the abolishment of imprisonment for debt except in case of fraud.

"This was the first time, as I have heard him say, such a measure was ever seriously urged in any legislative body in the civilized world. Dickens' flaming pen had not then flashed light into the gloomy recesses and revealed the sufferings and wretchedness within the walls of the 'Old Marshalsea,' and aroused the English people to apply the plowshare to turning over the ground upon which its foundations had stood. Three years after he introduced it in Ohio, Kelley's bill was passed by the Legislature of one of the States —New York, I think—but not in Ohio until about 1836 or 1839. At the time he introduced it, it was considered so radical that it defeated his entire plan of judicial reform. He introduced it, as he said, because he held that property should be the basis of credit, and property alone taken for debt; that to discharge debt, the person could not be sold, and for debt, personal liberty should not be restrained. This principle is now, I believe, incorporated in the constitution of every State, and is upon the Federal statute book of the United States, and has been enacted by the Parliament of England."

For eighteen years this measure slept. In 1837 Mr. Kelley was elected to the Legislature from Franklin County and after persistent labors he secured the passage of his bill, and from that time to this no

honest man in Ohio has been imprisoned for inability to pay his debts. His patient and successful struggle for this reform alone has made humanity a debtor to him forever.

When Alfred Kelley was designated as Canal Commissioner, he enjoyed a fine professional practice at Cleveland. No man ever accepted a responsibility at greater cost than he when he assumed its labors. Influenced by the belief that his work would confer a lasting benefit to his State, he made a sacrifice that only a deep and convincing patriotism could prompt. His compensation of three dollars a day was to him not worth considering, and yet all through his years of sacrifice of time, money and health, no breath of scandal or suspicion was attached to his name. The fitting farewell to his services came when, in March 1836, in response to his own request, the General Assembly appointed a committee to examine the accounts and vouchers of the Canal Commissioners; this committee reported that "we find no account of money disbursed by them which has not been honestly accounted for, either as agents for contracts, or for contingent and incidental expense for the construction of the Ohio canals." When we consider that the committee was composed of three partisan political adversaries of Mr. Kelley, and the amount expended amounted to nearly sixteen million dollars, we can form some idea of his inflexible integrity and business-like management.

Mr. Kelley returned to legislative life, and served in the General Assemblies of 1836 and 1837. During

this brief period his most notable work was the abolition of imprisonment for debt, and the creation of the office of State School Superintendent. He saw the coming financial storm, and endeavored to check the practice of the State loaning its credit to railroads, private canals and turnpikes, but in vain. The subsequent history of the State's finances shows how wise were his judgment and efforts. In 1840 the period of distrust and embarrassment came, and the State turned to Alfred Kelley for relief. The financial situation was bad, and Ohio was a heavy borrower on account of canal construction, the work of which was not yet completed. March 30, 1841, he was appointed Canal Fund Commissioner, and it was in this capacity that he performed still greater service for the State in saving it from financial embarrassment and disgrace.

The effect of the panic of 1837 was still apparent, and the securities of Ohio were without a market either at home or abroad. It was impossible to sell canal stock either in London or New York. This was the situation that confronted Alfred Kelley in 1841, with demands from canal contractors and other sources continually draining from the canal fund its already limited resources. Between November 15, 1841 and January 1, 1842, there was $300,000 temporary loans and over $400,000 interest to pay and nothing to pay with. Mr. Kelley was in New York trying to save the honor and credit of the State. But everything was conspiring against success. The market was paralyzed from general conditions which were intensified by the fact that some of the states had failed to pay the interest on their public debts,

and Mississippi had actually repudiated a portion of hers. The condition is further disclosed in a letter dated December 10, to Mr. Kelley from Noah H. Swayne, one of the Fund Commissioners, and afterwards a Justice of the Supreme Court of the United States: "I am greatly alarmed by what you say in regard to the prospect of raising means to pay our interest. Stocks dull at 75! The London agents forbidden to make advances! The banks pressing for the payment of their temporary loans! Money tight beyond example, panic and paralysis universally prevalent, everything covered with gloom and despondency, and tending downward to the lowest point. It is a crisis calculated to quail the stoutest heart."

To add to the complexity and disgrace of the situation, the dishonorable proposition to repudiate a portion of the debt of the State was mooted in the Legislature; this took the form of a resolution offered December 21, 1841. Fortunately, it was defeated, but its deadly influence reached New York, where Mr. Kelley was patiently conducting his financial negotiations. In a valuable work by Judge James L. Bates, "Alfred Kelley. His Life and Work," modestly "printed for private circulation," is given a characteristic letter written to his wife on Christmas, 1841. It pictures vividly the critical situation, and the frightful burden he was carrying.

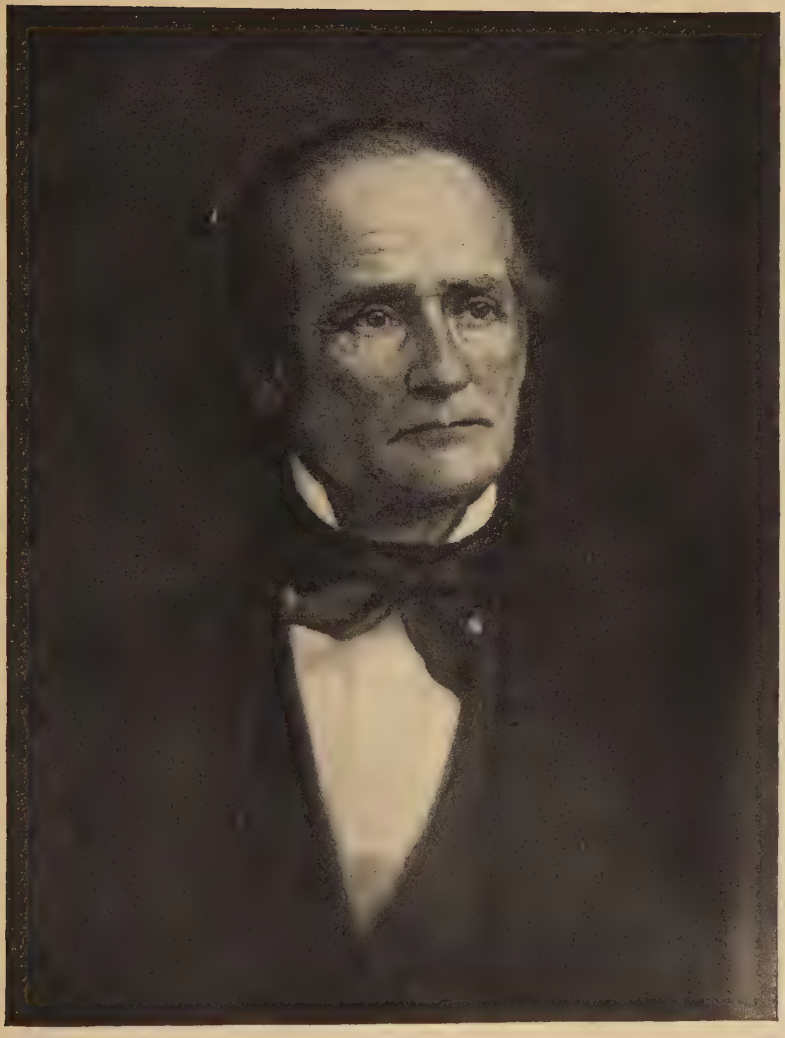
In this letter he writes: "It is now evening, and I have spent anything but a merry day. Never before in my life have I been placed in a situation so peculiarly difficult and embarrassing. We have up-

ALFRED KELLEY

From a painting in the Capitol at Columbus.

The Father of the Canals, Reformer of the Taxation System of Ohio and State Financier.

Born in Middlefield, Connecticut, November 7, 1789; settled at Cleveland in 1810; served many years in the Legislature and as Canal Commissioner; by his patriotic exertions in 1836-1843 chiefly on his personal responsibility he raised large sums of money to discharge the State debt and thereby saved the State from bankruptcy and repudiation; he died at Columbus, December 2, 1859.



ward of three hundred thousand dollars to provide, against the third day of January, and as yet I do not know positively where more than eighty or ninety thousand of it is to be obtained. We are trying to make arrangements and have hopes of effecting them. But we have not yet the certainty. While everything here has been of the most disheartening character, money scarce, want of confidence in all kinds of securities, stocks failing, money dealers panic-stricken, some wretch, in whom is concentrated the essence of malginity, has written a letter over a feigned name, or the name of some unknown individual, intimating that the Commissioners of the Canal Fund had exceeded their powers, that their accounts would not balance by five hundred thousand dollars, and that there was reason to apprehend that they had been guilty of still grosser frauds, and that the State might refuse to pay debts of their contracting, and this infernal letter is published in one of the principal daily papers of this city.

"Thus while I am here making almost superhuman efforts—using my personal influence, pledging my individual responsibility to raise money to pay the interest on the State debt, to preserve her faith and her credit untarnished—some debased wretch, some degraded son of Ohio for the sake of thwarting and embarrassing me to gratify his personal or political enmity, is willing to make a stab at the honor of the State and cause her serious pecuniary loss. True, this infamous libel was soon contradicted in the same print, but slander flies on eagle wings, while truth creeps slowly after on the back of a snail.

the Treasury during the Civil War, when he first officially proposed the National Banking system, had in mind the Ohio idea, born in the brain of Alfred Kelley, with which he was thoroughly familiar. It had been in successful operation for the years that he was Governor of Ohio and its United States Senator, and it doubtless suggested itself to him in the troublous times of the war.

His crowning work was the "General Property Tax Law" of March 2, 1846, which was the most advanced and perfect piece of legislation, enacted up to that time. On that day, it was fixed as the law of Ohio that all property, real and personal, and the moneys and credit, belonging to persons residing in this State, should be taxed at their true value, except what might be expressly exempted. In the light of all former legislation, this was a bold step. It was the first successful attempt at uniform taxation in Ohio. It distributed among the whole people the burden of sustaining the expense of the State, but, like all reforms in taxation, it met with bitter and uncompromising opposition. It was called by its enemies "the Plunder Law" and in the political campaign, which succeeded its passage, a paper called the "Tax Killer" was published to oppose its operation. The law was sustained by popular approval, and so much did it appeal to the sense of justice to the people of the State, that when the convention met in 1851 to frame a constitution, it embodied Alfred Kelley's principle of taxation in the second section of its thirteenth article.

The benefits which Ohio derived from this law were immediate. Its results were apparent the succeeding year as the following will show:

The total value of taxable property in 1846 under the old law was	$150,293,132
In 1847, under the new law, it was	410,763,100
The personalty in 1846 was	40,352,496
The personalty in 1847 was	83,564,430
The aggregate of State taxes, levied on $150, 293, 132 in 1846, was	1,214,897
The aggregate of State taxes, levied on $410,763,100 in 1847, was	1,331,398
The per cent on the value of taxable property for State purposes in 1846, was	8 mills
The per cent. for the same purposes in 1847, was	2¾ mills

The operation of the law silenced all opposition; it has stood for sixty-five years as the organic idea around which all taxes on property have been levied. It has been evaded in a large degree, and maladministered, but notwithstanding these evidences of unworthy and dishonest citizenship, it remains as a monument to the wise statesmanship of its author.

For ten years, from 1846 to 1856, Mr. Kelley devoted himself to his private business. During this period he constructed and operated railroads with the same executive capacity that he bestowed upon public affairs. In the fall of 1855 he was again elected to the State Senate serving until 1858. But this time he was confronted with no important domestic prob-

lems. They were all solved, and the State and Nation were trembling over new issues about to be precipitated and over which there was to be waged a great war. He was spared the agony of witnessing a distracted and divided Nation for on December 2, 1859 he died at Columbus, Ohio. In his remarkable public life which commenced in 1814 when he entered the House of Representatives, he fairly won and is justly entitled to be called the Father of the Canals, the Preserver of the Public Credit and the Author of an Equitable Tax System.

This review of Alfred Kelley's public career has been given in detail for two reasons, first because he was the dominant character in the construction of the canals and in the financial situations developed by that work, and second because his place in the history of Ohio has never been fully appreciated. He is a stranger to this generation, and yet in an era when Ohio grew giants of men, he was head and shoulders above his fellows. Had his lines been cast in our National life, and had he been confronted with problems similar to those which he met in his State career, he would have become an heroic figure in the annals of the Republic. As a constructive legislator in the higher sphere of politics, he was the greatest in the history of this State, and as a statesman-financier he ranks fully abreast of Salmon P. Chase and John Sherman.

On the Fourth of July, 1825, the construction of the Public Works of Ohio was formally commenced. Governor DeWitt Clinton, of New York, and his staff, were the invited guests of the State on this occasion. The place where the work was started was

on the Licking Summit near Newark. Governor Jeremiah Morrow was present representing Ohio. The Chief Executives of the two states first in advancing internal improvements initiated the labor of breaking the ground by each digging a shovelful of earth, amidst the applause of thousands. The work that was to give Ohio power, population and wealth had begun.

One of the most important factors in canal construction, as well as in the development of the State, was the extensive grants of land by the General Government. Early in the movement for internal improvements the question of National aid was agitated. February 8, 1828, just four days after the canal construction act was passed, the General Assembly petitioned Congress for land donations for aid in the construction of the canals. This was responded to generously. The first grant was made March 2, 1827, to Indiana, to aid in the construction of a canal to connect the Wabash River with Lake Erie, and inasmuch as a part of this canal would be in Ohio, the State of Indiana, by authority of Congress, conveyed of this grant 292,223.51 acres to the State of Ohio. On May 4, 1828, for the purpose of aiding in the extension of the Miami Canal from Dayton to the Maumee River, Congress granted a quantity of land equal to one half of five acres in width on each side of the canal, which amounted to 438,301.32 acres. By the same act 500,000 acres was donated to be selected from lands subject to private entry. Under this grant the State obtained the proceeds of 499,997.12 acres. These munificent grants amounted altogether

to 1,230,512.95 acres. The State of Ohio realized from their sale the sum of $2,257,487.32, which was used in the construction of the various canals. Another source of financial assistance was donations from private individuals and corporations along the routes. These consisted of gifts of land, right of way and money. Governor Bartley, in his Annual Message of December 3, 1844, says the subscriptions from these sources, together with the premiums on loans, amounted to $500,000.

All that energy, men and money could do, was directed to these public improvements; the result was a system composed of two great waterways. The Ohio and Erie Canal was commenced July 4, 1825, and completed in 1833. It extends from Portsmouth on the Ohio River to Cleveland, a distance of 309 miles, with its branches and reservoirs. The total cost of construction was $7,904,971.89. The construction of the Miami and Erie Canal was commenced July 21, 1825, and was finally completed in 1845. The cost of this canal, including the St. Mary's Reservoir, and all structures and feeders, amounted to $8,062,680.80. As a necessary part of the Public Works in order to feed these canals, the State constructed extensive reservoirs. Their cost is included in the figures given, but the following shows area and cost of each reservoir: St. Mary's, in Mercer and Auglaize counties, 15,748 acres, cost $582,222.07; Lewiston, in Logan County, 6,332 acres, cost $600,000; Loramie, in Shelby County, 1,828 acres, cost $22,000; Licking, in Licking, Perry and Fairfield counties, 3,942 acres, cost $200,000; and Portage, in Summit County, 2,209 acres, cost $80,000.

It is only when we examine into the cost of canals that we get an adequate conception of the vast undertaking assumed by the people of Ohio. When the original estimates were made for the canal system it it was reported that it could be constructed for $5,715,203.00. As a matter of fact the cost was $15,967-652.69. This difference can be readily explained however, by the extensions to the original plans, the changes in construction and increased cost of labor and materials in the latter period of the term of building. With the year 1847 the era of canal building ended in Ohio. The canal system then consisted of 813 miles of canals and slack-water navigation. Of this the Ohio canal system had 512 miles, and the Miami and Erie 301 miles. According to the Report of the Board of Public Works for 1909, the total canal mileage is but 642 miles, a loss by abandonment, lease or sale of 171 miles. At present the Ohio Canal system is 379 miles in length and the Miami and Erie 263 miles.

At the time in which these canals were constructed there were certain lateral canals built by private companies. The purpose was to benefit towns and localities, not on the main routes with the advantages of transportation. These private canals were in point of operation a part of the Public Works of the State. Of these the most important were, the Warren County Canal extending from Middletown to Lebanon; the Cincinnati and White Water Canal from Cincinnati into Wayne county, Indiana; the Sandy and Beaver Canal from Bolivar on the Ohio Canal to the Pennsylvania and Ohio Boundary line;

and the Pennsylvania and Ohio Canal from Akron to connect with the Pennsylvania and Erie Canal. The mileage of these canals was 210 miles. Thus in fulness of its strength, about 1850, before the period of abandonment began, Ohio had approximately 1,023 miles of state and private canals.

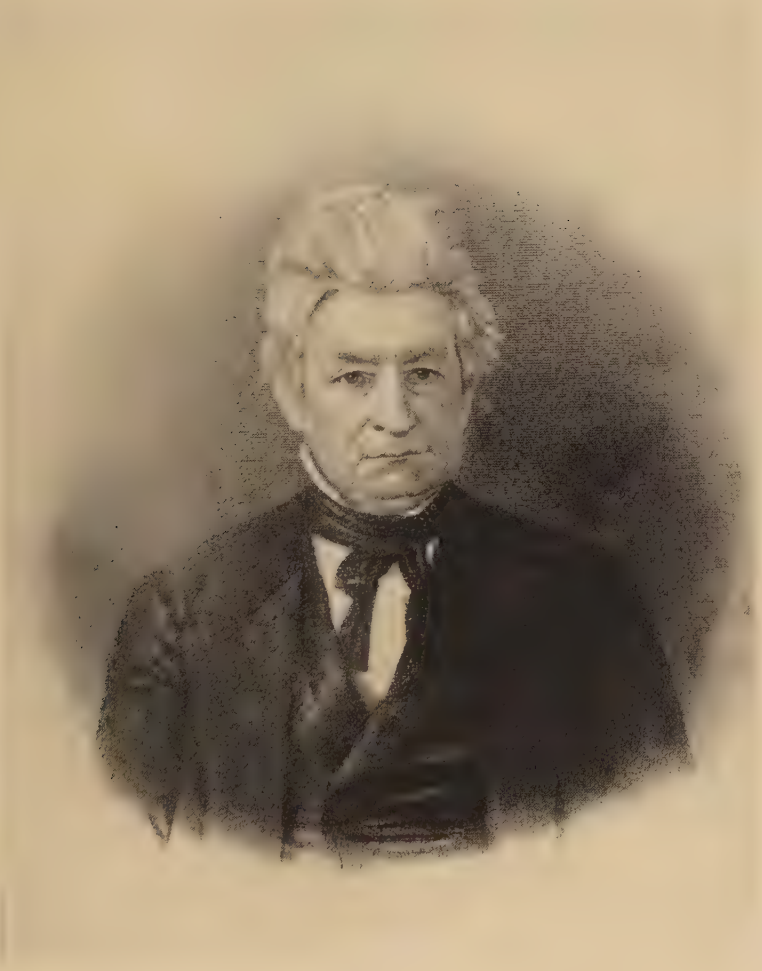
For thirty years these waterways were the great controlling factors of increasing commerce, manufactures, and population. Through their influence villages became cities, towns were built where forests grew, farming developed into a profitable enterprise, and the trade and resources of the world were opened to Ohio. The newly found markets for farm products added fifty per centum to their prices, thus enlarging the field of agriculture and bringing wealth to the State by their extension. The touch of internal improvements acted upon Ohio like the mysterious wand of a magician, converting a wide, unimproved, and comparatively poor State, into a profusion of wealth, prosperity and greatness.

Aside from the physical prosperity enjoyed by the State, the canals earned princely revenues for thirty-five years, their receipts exceeding their expenditures $7,073,111. After that period they succumbed to the rivalry of the railroads. So that at the end of seventy-five years of existence they are practically useless as a medium of transportation. The records of the Board of Public Works show an interesting statement of their financial history in the following:

Cost of Construction.....$15,967,652.69
Cost of Maintenance and Operation
to November 15, 1909..... 13,056,011.13

NATHAN GUILFORD

Born at Spencer, Massachusetts, July 19, 1786; graduated from Yale College in 1812; came to Cincinnati in 1816; advocated a free school system for years before he entered the Legislature, in 1825, as Senator from Hamilton County; in a report he advocated and successfully carried through the plan of popular education in force to-day.



Total Cost of Canal System.....$29,023,663.82
Gross Receipts 1827-1909..... 17,225,337.05
Deficit.....$11,798,326.77

The future of the Canal System is one of the most serious problems in State affairs, but as it is purely a question of public economics its discussion is not within the purpose of this history. They served their purpose well in the past, and their construction stands as a monument to a courageous generation and to the wise men of that time. As a factor in placing Ohio among the four greatest States of the Union, they were unquestionably the greatest of all the influences that worked to that end. Their history has fully justified the prediction of Governor Brown, uttered in his first message, when he referred to "Brown's Folly" as "a project grand and magnificent fraught with an influence upon our relations commercial and fiscal almost incalculable."

Chapter XII.

EDUCATIONAL PROGRESS AND THE ESTABLISHMENT OF THE COMMON SCHOOL SYSTEM

THE foundation of the Common School System of Ohio was laid by the Continental Congress of 1785. When the original states ceded to the Confederacy their claims upon the wilderness of the Northwest, Congress provided for the survey and disposition of the lands which were to be opened for settlement, and by the law of May 20, 1785, there was reserved from sale "lot number sixteen of every township, for the maintenance of public schools within the said township." Each township was to be six miles square, thus containing thirty-six square miles or sections. The section or lot number sixteen is one of the four at the center of the township. A township under the United States survey contained 23,040 acres of land, divided into thirty-six sections, each of which embraced 640 acres, one of which, as stated, was reserved for school purposes.

When Congress passed the Ordinance of 1787, it therein declared that "religion, morality and knowledge being essential to good government, and the happiness of mankind, schools and the means of education shall be encouraged." When the First Territorial Legislature assembled at Cincinnati in 1799, Governor Arthur St. Clair advised "attention to early education and instruction in religious principles for the rising generation." In pursuance of his recommendation the subject of public schools occupied the serious attention of the Legislature. But, excepting a resolution of instruction to the Delegate in Congress, William Henry Harrison, directing him to secure a proper title to the school lands which Congress had donated, no definite provision for education was made. In a former chapter

(V) we have seen how vigilant and successful the Constitutional Convention of 1802 was in providing for the means of education in the new State, and how it embodied in the organic law the sentiment of the Ordinance of 1787, that, "Schools and the means of instruction shall forever be encouraged by legislative provision."

The first Governor, Edward Tiffin, was a pronounced friend of education. In his first message he congratulated the State upon its large possessions for educational purposes, and in his second annual message prominence was given to the subject of schools. From his time to that of Governor Morrow in 1823, every Governor dwelt upon the necessity of the establishment of a system that would give education to all.

It was originally the opinion of Congress that the lands donated to Ohio would be sufficient to create a fund which would furnish the means of establishing an educational system. But the experience after Ohio became a State soon demonstrated that this could not be done. The lands were wasted, leased at shamefully low rates, and at times under scandalous circumstances. The friends of education soon became convinced that no fund sufficient to support a general system of schools could be expected or raised from the proceeds of the school lands. They began to prepare the public mind for legislation that would establish a school system that would give to every child in the State an education which, at least would be equal to the everyday demands of life.

The history of schools in Ohio up to 1825 is a dreary one. Even after the hardships of pioneer life had

passed away, the rural districts secured the rudiments of an education to the children in an irregular fashion, dependent upon the will and pocket-book of the parents. A wide indifference to education pervaded sections of the State, especially the southern and western portions. The people's demand for education was apparently satisfied if their children could write, and read the Bible or an almanac; and they met the highest expectations if they could calculate the value of a load of hay or farm produce. There was a general opinion that education destroyed a boy's capacity for work. As for girls, they seldom learned to write. Whether school kept or not seemed to matter little. The impoverished condition of the rural communities, before canal transportation afforded a market for farm products, and the necessity for constant toil to eke out a living, put a premium on muscle and fostered a neglect of education.

The schools of those days were as primitive as their surroundings. The settled portions, of Marietta and Cincinnati, were supplied with schools early in their history. In the summer of 1789, scarcely two years after the settlement, the first school in Ohio was taught at Belpre, a neighboring village to Marietta. Miss Bathsheba Rouse was the teacher and the schoolhouse was a big cabin donated by Colonel Ebenezer Battelle. Soon after, in the same year, the first school at Marietta was opened with Major Anselm Tupper as teacher; it was in the blockhouse, which was used in common as a church, school and fort. The subscriptions from parents to support these must have been meagre, for in 1791 the Ohio Company appropriated one hundred

and sixty dollars to provide instruction for the children of Marietta, Belpre and Waterford. The first schoolhouse erected in Ohio was at Columbia, now Cincinnati. It was known as "Reilly's Schoolhouse" because John Reilly, a young man of twenty-seven, started a subscription school there June 21, 1790.

Companions to these primitive schools were soon opened in all the settlements, but the people, as a rule, did not wait to build schoolhouses. Frequently a church, or an abandoned log hut was considered available. In the back settlements the opportunities for education were extremely scant. Often a mother, who herself read with difficulty, would laboriously teach the rudiments of spelling from some old book. An old pioneer has left us a description of the Ohio school of an early day: "The building was a low log cabin, with a clapboarded roof, but indifferently lighted; all the light of heaven found in this cabin came in through apertures made on each side of the logs, and these were covered with oiled paper, to keep out the cold air, while they admitted the dull rays. The seats or benches were of hewn timber, resting upon upright posts placed on the ground to keep them from being overturned by the mischievous lads who sat upon them. In the center was a large stool between which and the back part of the building, stood a small desk without lock or key, made of rough plank, over which a plane never passed, and behind the desk sat Professor Glass."

Many schoolhouses were even more primitive than this, being merely mud-daubed huts, with clapboard roof, stick chimney, greased paper windows, latch-

stringed door and clay floor. Ink was homemade of oak bark ooze and copperas; pens were made of quills and copybooks had to be made of unruled paper.

The backwoods teachers of this day were of a class of themselves. Usually little above a tramp, oftentimes addicted to drink, but more often well-informed for the times, earnest and capable. They would "get up" a school by passing around from house to house an article of agreement, proposing to teach certain branches upon certain terms, payable partly in money and partly in produce. During the school term, which lasted from ten to fifteen weeks, the teacher "boarded round" in the neighborhood homes. He was regarded as a sort of a pensioner on the bounty of the people, whose presence was tolerated because it could not be helped. It was different in the localities of Ohio peopled with the New England element. There the social status of the teacher was on the same footing as the minister. He was welcomed and honored everywhere. Usually of college education he imparted his knowledge more effectively and impressively than the "happy-go-lucky" schoolmaster of other portions of the State.

Such generally was the condition of school going and school teaching prior to the passage of the first school law in 1821. It must be remembered that there were much better schools than those herein described, in the larger towns of the State, but they were supported by voluntary contributions of the people, as no tax had been authorized by the General Assembly. The school lands up to this time had produced no revenue of any amount to speak of.

It has been noted as an important historical fact that development and establishment of the school system of Ohio was contemporaneous with that of the canals. Neither could have been accomplished except by unity of action on the part of the friends of each. The opposition to both was widespread and aggressive, but the friends of the canals and schools associated their interests and influence, and thereby succeeded. Those who were opposed to internal improvements opposed popular education. The spirit of the strict constructionist that could see no power in the Legislature that would enable it to build up the material interests of the State, of course, could not but object to the education of his neighbors' children. But the growth and progress of the nineteenth century demanded popular education. The primary duty of the State is to see that its citizens are educated. The early statesmen of Ohio contended for that common education which places within the reach of every child the means by which it may become capable of discharging the duties of citizenship. Yet this movement had its opponents.

The New England element and its descendants throughout the State warmly advocated the common school system, and were among its most effective supporters. It was opposed largely by the anti-improvement party and the occupants of the school lands and those otherwise interested in them. The latter class did not desire to see any legislation which would make them account more strictly for their possession of lands, the income of which was destined for school purposes. So old fogyism and self-interest marched arm in arm in opposition to popular education.

SAMUEL LEWIS

The first Superintendent of Common Schools in Ohio.

Born in Falmouth, Massachusetts, March 17, 1799; elected Superintendent of Common Schools by the Legislature in 1837; resigned three years after on account of ill health; advocated the abolition of slavery and was the anti-slavery candidate for Governor in 1846 and 1848; he died at Cincinnati, July 28, 1854.

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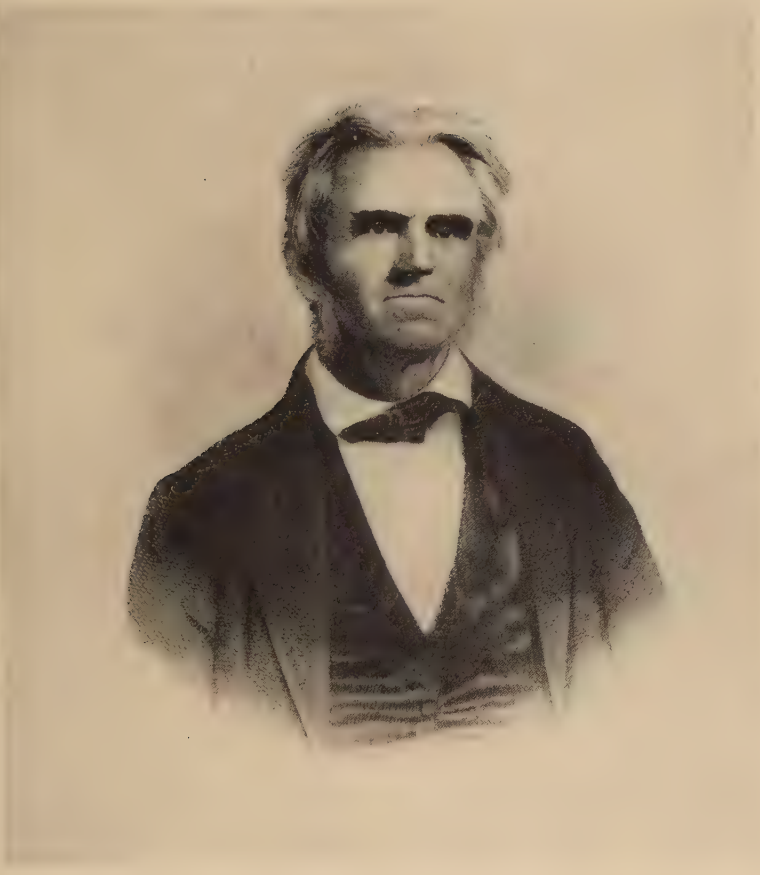


That part of the eighth article of the Constitution of 1802 which relates to slavery, religion and education was prepared by Ephraim Cutler of Marietta. A very positive advocate of schools he made the provisions relating to education mandatory on the Legislature. Notwithstanding this, nothing was even attempted toward creating a school system until Mr. Cutler became a member of the General Assembly in 1819. At this session he moved to have a committee appointed to prepare a bill for the creation and regulation of a school system. He was made chairman of the committee appointed for that purpose and he prepared a bill embodying his own ideas. His plan was to divide the townships into school districts, and school houses were to be built with money raised by local taxation. Part of the pay of the teachers was also to be paid from the public funds. This bill passed the House, but it was not considered by the Senate, and it died at the end of the session. So the friends of the schools commenced again an agitation which was intended to produce results in the next General Assembly. Cincinnati, Marietta, the Western Reserve and the eastern part of the State furnished the most substantial and aggressive school sentiment.

The leading spirit in this movement in southern Ohio was Nathan Guilford of Cincinnati. He advocated popular education through an almanac edited by "Solomon Thrifty" and which had, like "Poor Richard's Almanac," a wide influence. Through this medium Nathan Guilford presented the cause of education to thousands. Every page of his almanac was crowded with matter which was well calculated to

advance the common school system. When it could not be sold it was gratuitously circulated; the result was that it awakened a public sentiment throughout the State to which the General Assembly that met in 1821 gave a respectful response.

Nathan Guilford, like most of the advocates of a free school system, in his day, was a New Englander. He was born at Spencer, Worcester County, Massachusetts, July 19, 1786. He received a liberal education, graduating at Yale College in 1812. For a while he taught a classical school at Worcester in his native State, and afterwards was admitted to the Bar. He came to Cincinnati in 1816. It was here that he developed the idea of a system of free schools for Ohio. He formed a small band of friends and acquaintances to whom he explained his project. He soon won their hearty coöperation in his plans. He commenced a systematic correspondence with all parts of the State, especially the Western Reserve. Although he was a lawyer in active practice, he, with his brother, opened a bookstore and publishing house. From this establishment was issued his almanac, which for seven years was freely mailed by him and his associates to every address in Ohio they could secure.

To Caleb Atwater, a Representative from Pickaway County, can be credited the next forward step in educational progress. A progressive of the most versatile and aggressive type, he has left his impress on the history of his time in more ways than one. As educator, author, legislator and antiquarian, he has left behind reports and writings that stamp him as a man of strong originality and untiring industry. His quaint "History of Ohio" (1838) is full of material

valuable to the student of to-day. The fact that it records with frankness the author's views of the public questions of that period adds to its value, without detracting from its reliability. In addition to this work he has written, "A Description of the Antiquities discovered in the Western Country" (1820), "Remarks made on a Tour to Prairie du Chien thence to Washington City" (1829), and "An Essay on Education" (1841).

When Mr. Atwater entered the Legislature, he was a strong advocate of internal improvements and common schools. In the last chapter we have observed how closely the friends of each of these measures acted together. In the same hour that the canal resolution was passed, Mr. Atwater introduced and secured the passage of a resolution providing for the appointment by the Governor of seven commissioners "to collect, digest and report to the next General Assembly a system of education for common schools, and also to take into consideration the state of the funds set apart by Congress for the support of common schools."

The appointment of this Commission can be said to be the first practical step toward a system of common schools in Ohio. The seven commissioners were Caleb Atwater, John Collins, James Hoge, Nathan Guilford, Ephraim Cutler, Josiah Barber, and James M. Bell. Mr. Atwater was made chairman, and his whole energies were directed with love in his work. Governor Trimble, who appointed the Commission, was a firm friend of all measures, especially this one, looking towards a school system, and he therefore selected for the work men who were enthusiastically friendly to the cause of popular education.

This Commission, although beset by many difficulties, obstructions, and oftentimes denunciations, worked faithfully all through the summer and fall of 1822. The Chairman prepared three pamphlets for distribution among the people; these were on the actual condition of the school lands, on a bill proposing a system of school law, and on the necessity and value of a common school system. These pamphlets were issued and widely circulated. The system proposed was based on the New York plan. It provided for an economical and advantageous management of the public lands, but made no provision for the creation of a school fund by taxation independent of that which might arise from the sale or lease of the school lands. Thousands of letters were written in addition to these pamphlets, and everything was done to educate a public sentiment that was decidedly unfriendly. Every avenue of information or knowledge was painfully trod.

In his "History of Ohio" Mr. Atwater, writing of his labors, says: "The Chairman was directed to collect all the systems in use in all the states; and to consult by letter or otherwise all our most distinguished statesmen, scholars, teachers and jurists on this matter. In pursuance of this order, he opened a correspondence with not a few such men in all the old and many of the new states. This correspondence occupied all his time during the three following months of September, October and November, until early in December, 1822, when the board again assembled at Columbus. During all this time not a dollar had been advanced by the State to this board, nor was there a dollar in the state treasury to spare for any object."

The Commission was not unanimous on the plan outlined in the report. Nathan Guilford and James Bell believed that the school system proposed should be supported by a fixed taxation upon all the people, and not dependent upon the precarious proceeds from the sale or lease of school lands. In view of the past experiences, they thought that it would be a too slender and uncertain thread on which to hang the life and success of the education of the youth of Ohio. Messrs. Guilford and Bell therefore declined to act on this line and refused to approve a report recommending such a system. In justification of his attitude Mr. Guilford wrote a letter to his fellow commissioners in which he presented the first argument, made at length in Ohio, for a general tax to support common schools. This letter was published by order of the Legislature. His argument was that no income sufficient to support the schools could be raised from the school lands. He contended that the schools should be free from complications that naturally arise from depending on leases and sales of land, and that an *ad valorem* tax upon the property of the counties should be levied for their support.

Mr. Guilford's letter was broad and aggressive in the view taken of popular education. The idea originated by Ephraim Cutler in the Legislature of 1819 was here advocated and defined with clearness. The spirit of the letter can be grasped from the following significant expressions: "The funds arising from school lands will not be sufficient to educate properly one child in ten. It is unnecessary to dilate upon the importance and necessity of education in a free State.

That the mass of the people should be well informed, and enabled to understand their rights and the policy of the government under which they live, is universally acknowledged by all enlightened and reflecting men. Public intelligence and public morals ought to be the peculiar care of every Republic, and as every man is interested and benefited, either directly or indirectly, in the political safety, good morals, good order, intelligence and social happiness of the community of which he is a member, he ought to contribute freely to their promotion and support. And the Legislature, as the public guardian, has an unquestioned right to compel every individual, by a tax, to bear his proportionable share of the expense. And if the means are not otherwise provided, it becomes the duty of the Legislature to exercise that right, and to make such provision that every child of the Republic, whether rich or poor, should have an opportunity of receiving a common, decent education."

The Atwater Commission reported to the Legislature of 1823–24. This body was opposed to internal improvements and school legislation, and the report fell upon stony ground. It was simply received with thanks and filed.

In the canvass for the Twenty-Third General Assembly which was to assemble in 1824, the questions of the common schools and canals were the paramount issues; these propositions were discussed with great earnestness on the stump, in the press and through pamphlets. As a result, public opinion was definitely crystallized in their favor. It is a fact that the school system would not have been established at this time

were it not for the coöperation of the friends of the proposed canals. The same is true of the converse of this proposition. The strongest friends of the schools were from the eastern and northeastern portions of Ohio, the canal interests were predominant in the central and western portions. The result of this coöperation was the election of a Legislature that stands in the history of the State as one that accomplished more for the public good and posterity than any which preceded or succeeded it. On the opening of the General Assembly, Governor Morrow forcibly presented the cause of education in his annual message. A joint Committee from the House and Senate was appointed to consider that part of it, and "to collect information, prepare and report a system of common schools." Nathan Guilford, who had been elected a Senator from Hamilton County, was made chairman of this committee, and, by common consent of his colleagues, the preparation of the report and bill was placed in his hands.

In his report, which was presented to the Legislature January 14, 1825, Mr. Guilford, after urging the necessity of an educated citizenship, reviews the different free school systems then in existence in this country. Commencing with the first free schools of Massachusetts established in 1647 by a general tax, he outlines the various methods of the different states in educating their children. He favors the maintenance of the schools by taxation, and cites the states of Massachusetts, Rhode Island, New Hampshire and Maine as examples of the support of free schools by local or general taxation. He compares the systems

of Connecticut, Louisiana, New York, Pennsylvania, Virginia and North Carolina. While the report covers but ten printed pages, it is a forceful, comprehensive and patriotic document. When we consider that the policy advocated was in its day a very radical one, we are impressed with the thoughtful and conservative tone of the report. Its strength lay in the high ground upon which the school system was recommended. It was a new gospel that Nathan Guilford preached in this report. It was a wider application of the spirit of democracy than Ohio had yet witnessed. In his report, in speaking of the subject, he says:

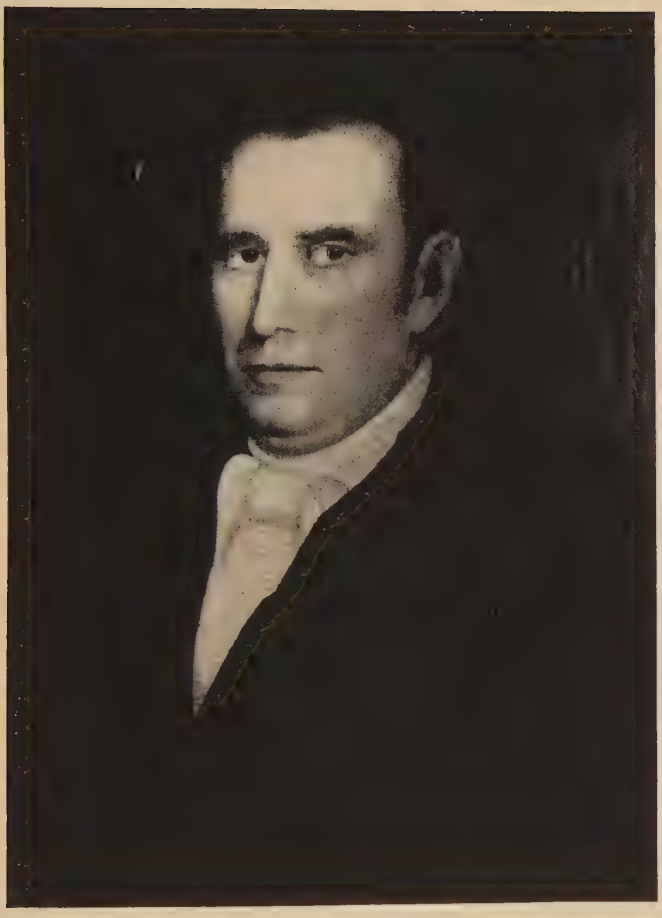
"In comparing these different plans of education in their details, and especially after taking into consideration the economy, efficacy and policy of each, your committee do not hesitate to give a decided preference to the system of free schools.

"This system appears to be the most consonant to the principles of our constitution. It places the children of the rich and poor more upon a level, and counteracts that inequality which birth and fortune would otherwise produce. When the children of the rich and poor have equal opportunities, the only superiority which can exist, will arise from mental competition. In this truly republican mode of education, the children of all ranks and classes meet to contend upon a footing of perfect equality, for the only true and honorable distinctions which ought ever to be countenanced among freemen. All the offices in the nation are open and within the reach of the humblest individual; and experience has already proved that some of the first men of the age, who have proved an ornament

CALEB ATWATER

One of the originators of the Common School system of Ohio.

Born in North Adams, Massachusetts, December 25, 1778; moved to Ohio in 1811; while in the Legislature in 1825 he was a strong advocate of canals and common schools, and was the chairman of the first commission to consider a system of common schools; he died at Circleville, March 13, 1867.



to our country and the whole human family, were the children of poor parents, unable to educate them. But the doors of the neighboring school were open to them, where they received instruction without fee or reward, and imbibed the rudiments of that wisdom and knowledge which raised them from the cold grasp of indigence, to honor and renown.

"The mode of establishing schools exclusively for the education of the poor, as practiced in Virginia and South Carolina, and as contemplated by the first provision of the act of Pennsylvania, appears to your committee to be very objectionable on many accounts. To separate the poor from the rest of the community as an inferior caste and hold them out to the rest of the world as objects of charity, is too humiliating to the character of freemen. Many of their parents have too much pride to accept of such a boon, while others who are able to educate their children, have meanness enough to endeavor to get them placed on the list of the poor. Besides, those who have the management of the funds, and the care of their education, do not feel sufficient interest to promote or give effect to either.

"The system of free schools has always been found the most general and efficacious in its effects. It extends the means of common education, to the door of every man, and among all ranks and conditions. It is particularly favorable to the education of youth in the country, where the population is scattered and difficult to be united without some general system for the purpose. In towns, cities and villages, schools always exist; and when left to itself, education is

always much better attended to in these places, than in the country. Nothing but free schools has ever succeeded in diffusing education among the mass of the people who cultivate the soil. This system scatters schools in every neighborhood, within the reach of every farmer, and freely offers to the poor tenants of every cabin the means of instruction. The yeomanry of every country constitute its sinews and strength; and it is among them, that those wholesome, honest homebred principles are preserved, which constitute the safety and honor of the nation. How doubly important is it then, that they should be well informed! In New England, where this system has prevailed ever since the first settlement of the country, it is extremely rare to meet with a person of either sex, who cannot read and write. A taste for reading, and a desire for further information is thus created; and in almost every town and village a respectable circulating library is found. These common schools are the nurseries of the academies and classical seminaries, which exist in almost every populous county; and which are the natural consequence of the common schools."

With this report was presented a bill drawn by Mr. Guilford providing that a "fund shall be annually raised among the several counties of this State, in the manner pointed out by this act for the use of the common schools, for the instruction of youth of every class and grade without distinction, in reading, writing, arithmetic and other necessary branches of a common education." This fund was to be raised by a tax of one-half of a mill upon the property of the several counties of the State. It authorized the lay-

ing off of school districts, and required the election of officers to provide schools, and the appointment of a Board of Examiners, without whose certificate no teacher could collect payment for his services. This bill under the title, "An act to provide for the support and better regulation of Common Schools" became a law February 5, 1825. When the bill was on its final vote for passage in the House, Ephraim Cutler, who was a member of the Senate from Washington County, stood anxiously beside Mr. Guilford waiting for the result. For years he had advocated the principle then pending before the House. In the Constitutional Convention of 1802 and in the General Assembly he had long sought this end. When the vote was announced showing that the bill had passed, Mr. Cutler turned to Mr. Guilford and reverently repeated the words of Simeon, "Lord, now lettest thou thy servant depart in peace, according to thy word; for mine eyes have seen thy salvation."

Thus was accomplished the greatest educational work in Ohio's history. It was laden with more potential results, and stood for more advantages in the future than was dreamed of by its most sanguine friends. This policy and system, originated and commenced by Ephraim Cutler in 1819, revived and agitated by Caleb Atwater in 1821, was consummated and made a fact by Nathan Guilford in 1825. To these three men Ohio owes her Common School System, and to them all of its surviving generations are grateful debtors. All subsequent legislation on schools have been amendatory to the great idea which they developed and reduced to a law.

The immediate result of this law was not gratifying to its friends or favorable to its operation. There was still much opposition to it among the radical element in some portions of the State, and in others, it was regarded as such an advanced and progressive step that it was not executed. In no small proportion of the counties, the law was but partially enforced for ten years after its passage. With time, however, it grew in favor among the people slowly but surely. Its friends and advocates had the double duty imposed upon them of sustaining and operating the law and fighting its enemies. Even after the law was in full force, efforts were made to secure its repeal. The Legislature, following its enactment, was flooded with petitions, asking for its suspension or its repeal, but the law stood all assaults. With good sense, the Committee to whom the petitions were referred, reported, "that, when said act shall have been tested by the touchstone of experience it will become popular, because its features are stamped with an enlarged wisdom, a liberal and enlightened policy." Nearly a century of experience and history has confirmed this. Improvements and additions to the school system of Ohio have made it a structure of majestic power and beneficence.

But this result was very slow in its evolution. The law of 1825 simply laid the foundation, the superstructure was yet to be built. The system was planned, but it was yet an unorganized and ineffective project. Every year saw it strengthened and improved. From 1825 to 1837, there was a growing disposition in the General Assembly to advance school interests. During

this period (1827), an act was passed, allowing section sixteen to be sold where a majority of the voters in such townships were favorable to its sale; also an act, authorizing a special tax for building or repairing schoolhouses, and another establishing a six per cent. fund from the proceeds from sale of school lands, salt lands, and from donations or legacies. In 1829, the general school tax was increased from one-half to three-fourths of a mill. All of this indicated progress and healthy growth, and, what is of especial importance, with it came a positive public sentiment for placing schools upon an independent and systematic basis.

About 1831, a remarkable educational revival swept over the entire country and the appreciation of system and organization began to broaden the arc of education. This movement was responsible in Ohio for the foundation of Normal Schools, Teachers' Institutes and School Libraries. The people had increased confidence in the Common School System, and they began to understand that their institutions were safest and wisest when their people were educated. Experience had revealed the serious defect in the old state governments in failing to provide adequately for free public schools. The evidence of this revival in Ohio took the form of agitation or organization, which up to this time had been woefully neglected. In June, 1831, a general convention of friends of education in the Mississippi Valley, was held in Cincinnati and out of this grew "The Western College of Teachers."

Upon the popular educational movement in Ohio, the College of Teachers impressed a lasting influence.

Under its auspices, educational associations were formed in different parts of the State. The papers read before this body, which included among its members the most prominent scholars of Ohio and neighboring states, were characterized by marked ability and profound wisdom. Its influence was especially effective in securing a more general and more efficient administration of the school law; in spreading abroad more enlightened views on the subject of a public school system and in creating and promoting a patriotic public sentiment, regarding education. It was mainly through its influence, that the minds of the people of the State were directed for the first time to the necessity of a Superintendent of Common Schools.

The Thirty-Fifth General Assembly of 1836–37 had a clear idea of school needs and was in hearty sympathy with the movement for a State Superintendency and other efforts to increase the efficiency of the school system. Notwithstanding that up to this period there had been substantial advance in providing support for schools, yet in 1837, there were no free schools in Ohio outside of Cincinnati; and, excepting in the largest towns, where private teachers were engaged, but few schools afforded, even for three or four months in a year, instruction in reading, writing and arithmetic. Professional teachers would only seek employment in the larger towns. Therefore the children of most of Ohio were under instruction of a class of young men, who had neither the education, experience, nor pride of a teacher, sufficient to teach a primary school. The previous Legislature, in order to gather information concerning the schools and the

number of school children in the State, required the County Auditors to furnish these statistics. Only thirty-three out of seventy-five in the State responded with enough intelligence to make the return of any value. This is indicative of the slow growth of the schools provided for by the act of 1825, and of the apathetic condition of the public mind. It can be said, however, in partial palliation, that this period was one of great financial distress and the people seemed more interested in making a living than in educating their children.

There were many spirits however, even in these harassing times, who never lost sight of the work of perfecting the state educational system. Foremost among this element was the College of Teachers, whose work was untiring in that direction. Their labors met with quick response in the Legislature. Alfred Kelley, whose record on canals, taxation and finance, has been reviewed, introduced a resolution instructing the Committee on Schools and School Lands, to inquire into the expediency of creating the office of Superintendent of Common Schools. The Committee, on January 27, 1837, reported a bill creating the office and defining its duties. It became a law March 22, 1837. A few days subsequent, a joint resolution was adopted appointing Samuel Lewis the first Superintendent of Common Schools for one year at a salary of $500 per annum.

The new Superintendent was one of the most forceful advocates for free schools in his time. He was born in Massachussetts, March 17, 1799, but was brought to Cincinnati by his parents in 1813. By labor and

study he educated himself, and entered as a local preacher of the Methodist church in 1824. He exerted great influence as an orator in behalf of temperance and education and did much to establish High Schools in Cincinnati. The teachers of Ohio soon discovered in the executive force and intelligent enthusiasm of Samuel Lewis, a man for their leader and the Superintendent of the school system. He entered upon his work with steadfast purpose and determined zeal. From the day of his appointment, he was active. He spent his first year in traveling about the State on horseback, delivering addresses to educational meetings, consulting his school officers, visiting schools and encouraging teachers. His work the first year had to be crowded into a few months. At times, he was disheartened, and he "feared that he did not possess the peculiar gift required for permanent usefulness."

There are two letters written by him that give a clear insight into his faithful service and herculean labors. They are worthy of preservation because they are a testimony to the cost of establishing the priceless heritage of Common Schools. The first of these, dated Cleveland, November 3, 1837, reads: "I arrived here to-day, almost worn down; have rode on an average twenty-six miles a day this week. I generally spend three or four hours a day in conversation, answering questions, giving explanations and making suggestions. It is harder than it would be to deliver an address every day an hour and a half long. I fear you overvalue my efforts, as well as other friends, which will add to disappointment; for still, I can hardly see what I do. I shall, however, do my best. I leave

here on Monday, if health permit, and will get along as fast as I can to Columbus, visiting on my route, as I suppose, about sixteen counties and reaching Columbus, I hope, by the twenty-eighth inst. The task before me is so great that with all my time and close attention, I shall hardly be able to get through."

It will be noted from this letter that he expected to visit sixteen counties in twenty-three days; when we consider that he journeyed on horseback as the only certain means of meeting his appointments, some idea of his labors may be had.

Again he writes, November 15: "On Saturday last, I delivered an address at Canton, and after riding twenty-six miles on Monday, spoke in the evening to a large audience, and I believe, did good. I work hard day and night, and find it a kind of uphill business. If men would only do something, even in opposition, it would be better than it is. Almost every man agrees with me; thousands listen and applaud; and even candid men of sense declare they never heard this subject treated with so much interest, and then leave it to go alone, or get on, unaided by their efforts. Still, I am not discouraged, but am determined to work until my report is in, hoping at least for the final triumph of sound principles in practice.

"Many of those with whom I converse, are under the influence of selfish motives of some kind or other, and some wholly unable to appreciate a higher sentiment. The preacher feels no interest half his time, in anything that does not promise to increase the wealth or numbers of his church. The physician is narrower still. The lawyer has some public spirit; but is often

too much hardened with political ambition and a truckling spirit to the opinions of the vulgar, instead of placing himself in the front and giving a tone to public spirit as he might. The teacher is a friend to schools, often so far as to get a good one for himself; and the farmer wants to see as much schooling as will learn his son to make money, and his daughter to make cloth and butter; and everything else about the same way."

The first annual report of the Superintendent was published in 1838. By request of a joint resolution, Mr. Lewis read it to the members of the General Assembly at two evening sessions in December, before it was published. It presented an extended and fruitful portraiture of the miserable conditions of the schools of the State. He emphatically reported that he had found a favorable sentiment to free education; he exposed the abuse of school lands and made an earnest appeal for more liberal legislation. He recommended to the General Assembly the following subjects: School Libraries, a State Annual School Fund of $200,000, Township High Schools, Town Boards of Education, Evening Schools in cities, County Superintendents, a School Journal to be distributed to school officers, Encouragement of Teachers' Associations, Authority of School Districts to borrow money to erect schoolhouses, the Employment of Women as Teachers, and Full Reports from Teachers and School Officers.

It is to the credit of his rare judgment that in due time every single one of these recommendations was placed upon the statute books of Ohio. In support

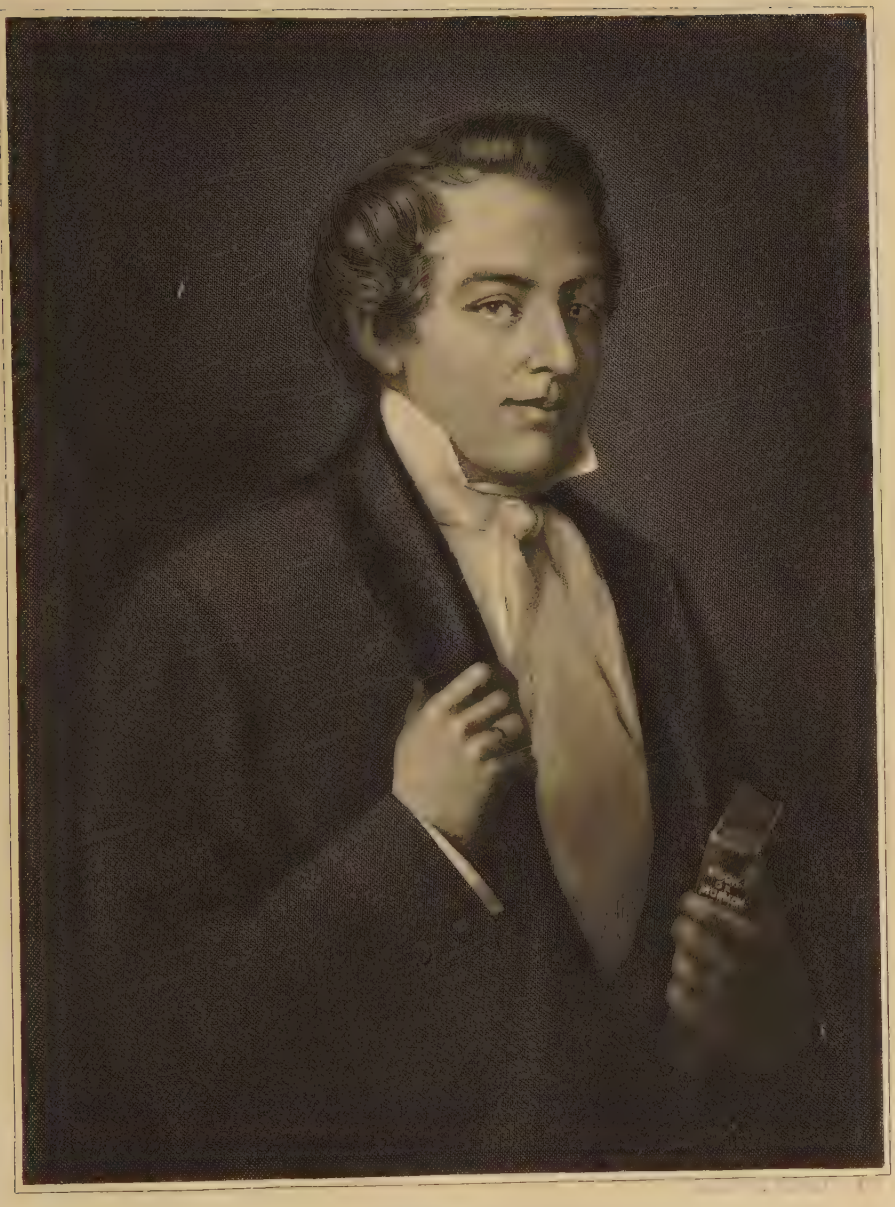
JOSEPH SMITH, Jr.

The Founder of Mormonism.

Born in Sharon, Vermont, December 23, 1805; by revelation he located the Mormons at Kirtland, Ohio, where in 1831 he with fifty families of his followers settled; after a troublous period here they, with largely increased numbers, moved West, where at Carthage, Illinois, Joseph Smith, Jr., was murdered by a mob, June 27, 1844.

JOSEPH SMITH, JR.

The Founder of Mormonism.



THE PROPHET JOSEPH SMITH

of these different propositions he argued in his report with simple but earnest eloquence. His description of the conditions observed in his travels over the State make valuable reading, and will give an adequate idea of the situation which confronted the people of Ohio in this, the formative period of their common school system. This first report takes rank among the best educational writings of our country. It attracted a great deal of attention in the Eastern States and received there an extensive circulation. The following interesting extracts form an instructive narration of the early trials and conditions relative to the establishment of the School System; it gives the impressions and observations of Mr. Lewis of educational conditions at this time. The results of his observations are thus given to the Legislature:

"The thousands with whom I have conversed, of all classes and in all departments of life, are unanimous, and they represent their neighbors as unanimous in favor of efficient and active measures on the part of the Legislature for the promotion of Common Schools. I have heard of persons and of neighborhoods that were said to be opposed to such a course; but on visiting such persons and places, the objections were found to be not against proper legal provision for these schools, but against particular details in the law. Complaints against defects are often erroneously put down by lookers-on as opposition to the law, when in fact, the complainers are its most ardent friends, and in favor of the most active measures. It is one way of making a friend of reform odious by representing his complaints

as opposition. I have not found an individual that, for himself, objected to the expense, provided the schools are made good.

"Whatever I may be compelled to say of the present condition of schools, they are certainly improving everywhere in the State. In many counties associations are formed of teachers and friends of Learning to promote this object; and the education of the masses is a marked feature in all discussion and reports. Nothing will rally the people more readily than the discussion of subjects connected with education. Still, leaving Cincinnati for the present out of the question, there are but very few places in this State, where common school instruction proper is furnished approaching near the grade we had supposed; that is, where the means of proper instruction are free to all, rich and poor, on equal terms. The city of Cleveland has within a few months commenced organizing her free schools on principles which, if carried out to the extent demanded in that flourishing place, will distinguish her on the list of free school cities; but even there, the provision is not half enough, and the schools have from fifty to eighty children to the teacher.

"In towns and large villages, the common schools are poorer than in the country. In the latter, neighborhoods depend more on them, and of course, take a deeper interest in their control; while in the former, there is too frequently but little attention paid to these schools by persons able to provide other means of instruction. Private schools are considered the best, and being patronized by the wealthy, create a distinction that is ruinous. I am unwilling to repeat

the remarks in reference to this point that I have often heard made; it may be sufficient to say that in many instances, the whole tendency is to bring the schools into disrepute if not positive disgrace."

The recommendations of this report were followed by specific legislation embodying many of the ideas suggested. A general law for the improvement of the schools was passed; the school fund was raised to $200,000 annually; all schools were declared free; districts were allowed to borrow money to build school-houses; the County Auditor was made the County Superintendent of Schools, and a certain measure of supervision was provided. Directly traceable to this report was the act of March 7, 1838, which was the first intelligent effort to organize the schools up to that time. After three years of labor, worn out and in ill health, Mr. Lewis resigned the office of School Superintendent. He left an indelible impress on the educational history of Ohio. During his term of office, he performed such labor and furnished such executive force to his duties, that his contribution to the progress of the Common School System to this State is unequalled. The ideas advocated in his report have stood the test of time and most of them have been vitalized into law and are in operation to-day.

Up to 1847, the Ohio School system lacked organization, grading and classification. It is true that there had been various attempts made by special legislation which only applied to certain cities to accomplish this, but the general system was but little benefited thereby. Cincinnati was the first city to take an advanced step in grading her schools under a special law; then

followed Cleveland, Dayton, Columbus and other cities in rapid succession. The passage of what is known as the "Akron Law" in 1847 marks the commencement of a new era in Ohio school history. This law, passed February 8, 1847, authorized the electors of Akron to elect a Board of Education for the government of its schools. This Board had full jurisdiction over school matters; it could establish primary and grammar schools; enforce all necessary rules for the government of teachers and pupils; select sites and erect buildings; fix grades; employ and pay teachers, and it had power to certify to the City Council the amount of money necessary for school purposes, and under the act, Council was compelled to make the necessary tax levies for this purpose.

The operation of this law attracted great attention and there was a demand for it in other cities. The next year, 1848, incorporated cities and towns were authorized to adopt the provision of the "Akron Law" by petition to the City Council of two-thirds of the electors. This movement for the centralization of the administration of city and town schools through one school board culminated in the passage on February 21, 1849, of a general law entitled "An Act for the Better Regulation of the Public Schools in Cities, Towns, etc." This embodied the important features of the Akron Law and gave Boards of Education power to establish not only schools of primary and grammar grades, but a higher grade, and to decide what branches should be taught in each and all grades. Boards of Education were required to keep the schools in operation not less than thirty-six nor more than

forty weeks in each year. The provisions of this act were extended the next year, 1850, to incorporate townships, by which they were organized into single school districts with all the rights and powers conferred upon incorporated cities, towns and villages.

This legislation may be said to mark the complete establishment of the Common School System of Ohio. It had to be preceded by twenty-five years of agitation, experiment and progress before it really became a thing of substance, and an institution of stability. So that in 1850 the work so zealously and manfully contended for by Ephraim Cutler, Caleb Atwater and Nathan Guilford, and organized by Samuel Lewis, challenged the admiration of the United States. No other State had so perfect a school system, nor was any other sustained by such an encouraging and enlightened public sentiment. Shortly after the Civil War, June 8, 1866, General James A. Garfield introduced a bill in Congress, which afterwards became a law, establishing a Department of Education. In his speech on the bill he referred to the School System of Ohio in these words:

"Mr. Speaker, if I were called upon to-day to point to that in my own State of which I am the most proud, I would not point to any of the flaming lines of her military record, to the heroic men and the brilliant officers she gave to this contest; I would not point to any of her leading men of the past or the present; but I would point to her Common Schools; I would point to the honorable fact that in the great struggle of five years, through which we have just passed, she has expended $12,000,000 for the support of her Public

Schools. I do not include in that amount the sums expended upon our higher institutions of learning. I would point to the fact that fifty-two per cent. of the taxation of Ohio for the last five years, aside from the War Tax and the tax for the payment of her public debt, has been for the support of her schools. I would point to the schools of Cincinnati, Cleveland, Toledo and other cities of the state, if I desired a stranger to see the glory of Ohio. I would point to the 13,000 schoolhouses and the 700,000 pupils in the schools of Ohio. I would point to the $3,000,000 she has paid for schools during the last year alone. This, in my judgment, is the proper gauge by which to measure the progress and glory of states."

The development and progress of educational facilities in Ohio since Garfield's speech will indicate how thoroughly attached her people are to popular education. In 1909 the total expenditure for Common School purposes was $25,011,361.94; the value of public school property was $67,901,717.00; the number of teachers employed was 25,752 and all of these were utilized in the education of 838,080 pupils who were in daily attendance in the schools.

Surely this is the highest evidence that the people of Ohio have considered a success the labors of these professional educators and wise legislators who created and preserved the system of popular education. These pages have undertaken to record its gradual development and to give the reader an idea of its broad foundation and lofty structure, in order that he may have not only a greater historical knowledge but a more patriotic appreciation of a great State.

Chapter XIII.

MORMONISM IN OHIO

AROUND the little village of Kirtland, in Lake County, cluster some of the most important and interesting historical recollections of Ohio. It was here in 1831 that the Mormons established their first "Stake of Zion," and for seven years it was the scene of active, and at times sensational, operations of this remarkable religious body.

The Church of the Latter Day Saints was founded by Joseph Smith, Jr., at Fayette, Seneca County, New York, April 6, 1830. Tons of literature have been published discussing the question whether Smith was an honest enthusiast, an earnest mystic or an arrant impostor. It is not the purpose here to add to this class of writings, but to record the historical facts in the life of Mormonism connected with Ohio. Hence a mere narrative of Smith's claims will suffice for an intelligent understanding of his work in this State. In 1823 he claimed that he discovered golden plates on which were written the records of Mormon. They were not taken out of their resting place until 1827, because of an inspiration he said he had received from an angel. In 1830 he published a translation of them under the name of "The Book of Mormon." In this work it is told how, in the reign of King Zedekiah of Jerusalem, Lehi, an Israelite, with his family, went from Palestine to America; his adventures and revelations were recorded on these plates as published in this book. The sons of Lehi became the ancestors of the North American Indians; the descendants of Nephi, one of the sons, became good Christians and preserved the sacred plates which Joseph Smith, Jr., is said to

have discovered. They converted all America to Christianity. In consequence of wars, at the beginning of the fourth century, the Church fell to pieces. Then came Mormon, a mighty hero, and drove out these American Philistines, who, in time, had become red and barbarous. They afterward returned and exterminated the Christian Nephites. Mormon's son, Moroni, found Lehi's plates, giving a history of his people, in A. D. 420.

The publication of the "Book of Mormon" at Palmyra, N.Y., in 1830, created a sensation in the religious world. It was attacked as a fraud and it was charged that it was a plagiarism of the writings of one Solomon Spaulding, who lived at Conneaut in Ashtabula County. This work of Spaulding was entitled "The Manuscript Found," and it was claimed that it was written in scriptural style, similar to the "Book of Mormon" and that it was the real foundation for that production. And further, that it was surreptitiously obtained by Joseph Smith, Jr., who appropriated its ideas and its language. This theory was advanced soon after the publication of the "Book of Mormon." At that time, the Mormon elders attracted attention by their preaching about Conneaut, and when the Mormon Bible, as the new work was called, was read, many persons present were struck by what they thought was a similarity between Smith's book and the Spaulding manuscript. It should be stated that Solomon Spaulding used to read his manuscript to his neighbors until many of them became familiar with its language, contents and style. When they heard the "Book of Mormon," some of them testified that it was sub-

THE KIRTLAND TEMPLE

Built by the Mormons.

The corner stone was laid, July 24, 1833, and for nearly three years the labor of construction was carried on day and night; it was dedicated, March 27, 1836; it is now in possession and used as a place of worship by the "Reorganized Church of Jesus Christ of Latter Day Saints."

stantially the Spaulding manuscript. Owing to his financial straits, Solomon Spaulding was never able to publish his work, which was a romance of prehistoric America. At one time it was in possession of a Pittsburg publishing house, from whence it is said to have been stolen.

This theory of the origin of the "Book of Mormon" gradually became the accepted one among the Gentiles and found its place in the literature of the time, being accepted by the encyclopaedias of Britannica, Chambers, Appleton and others. This view obtained until 1884, when the late James H. Fairchild, then president of Oberlin college, was visiting Honolulu, Hawaiian Islands, where he met an old anti-slavery friend, Lewis L. Rice, who had years before, been the editor of the *Painesville Telegraph*, and also State Printer at Columbus, Ohio. President Fairchild asked him to examine his old pamphlets and papers and see what contributions he could make to the anti-slavery literature of the Oberlin College Library. In a few days, he returned with an old, worn and faded manuscript of 170 pages, which proved to be the long lost manuscript of Solomon Spaulding. It came into Mr. Rice's possessions in 1839 with other books and papers, when he took possession of the *Painesville Telegraph*. This manuscript is now in the Oberlin College Library.

President Fairchild, in a paper read before the Western Reserve Historical Society, March 23, 1886, and published as Tract No. 77 of that Society, discusses with originality and interest the "Manuscript of Solomon Spaulding and the Book of Mormon." It is the first authentic information on that subject.

In this paper, President Fairchild says: "The manuscript has no resemblance to the 'Book of Mormon.' There is not a name or an incident common to the two. It is not written in the solemn Scripture style. It is a story of the coming to this country, from Rome, of a ship's company, driven by a storm across the ocean, in the days of the Emperor Constantine. They never returned to their own land, but cast in their lot with the aboriginal tribes inhabiting the country, and it is chiefly occupied with the account of the civilization and conflict of these tribes—the Delawares, Ohions, Kentucks, Sciotons, Chiaugans, etc., etc. The names of the persons are entirely original, quite as remarkable as those in the 'Book of Mormon,' but never the same—such as Bombal, Kadocam, Lobaska, Hamboon, Uliponn, Lamesa, etc."

Professor Fairchild's position, however, is not accepted by all writers on this subject. The strongest answer to his argument is "The Origin of the Book of Mormon, Re-Examined in its Relation to Spaulding's Manuscript Found." This was written by A. T. Schroeder in 1901, and published by direction of the Salt Lake Ministerial Association of Salt Lake City. It is analytical and argumentative, and presents all the testimony bearing on the question involved. The proposition contended for is that the manuscript in the Oberlin College Library was not the one from which "The Book of Mormon" was plagiarized; that it was never in the hands of a publisher, and therefore could not have been stolen; that there was another and rewritten story that formed the foundation of

the Mormon work, and that this fact is susceptible of proof which the writer proceeds to draw out.

Whatever may be the facts as to the origin of the "Book of Mormon," the Mormon Church was organized at the time and place stated, including at first just six in its membership—Joseph Smith, Sr., Hyrum Smith, Joseph Smith, Jr., Samuel Smith, Oliver Cowdery and Joseph Knight. In June, 1830, the first convention of the church was held at Fayette, at which thirty members were present. Smith had by this time claimed the full powers and responsibilities of a Prophet. Angels constantly visited him, and the Lord was giving him frequent revelations. He called himself the "Mouthpiece of God." Still with all these opportunities of associating with Divinity first-hand, the public seemed loth to rush to Smith's standard of Faith. Whether it was due to the ungodliness of his neighbors, or their knowledge of the Prophet, is not known, and much has been written on both sides. He evidently had experienced the wisdom of the Biblical saying, that "a prophet is not without honor save in his own country, and in his own house," and he commenced to make arrangements for a western migration. In October Oliver Cowdery, Parley P. Pratt, Ziba Peterson and Peter Whitmer, Jr. started for the far West on a mission to the Indians.

They stopped at Kirtland; here and at Mentor near by, was the stronghold of the Church of the Disciples, founded by Alexander Campbell, and both congregations were presided over by one Sidney Rigdon. He was one of the leading preachers of the Disciples' faith in the Western Reserve, and was a man of ability,

of great eloquence, but of an emotional and erratic temperament. In his day he was listened to with affection and confidence by the people of his denomination. Sidney Rigdon joined the new and strange religion of Mormonism, and from that moment he became a man of great power in that faith. Many of his congregation followed him. The Mormon missionaries preached day and night until, when they started on their western journey, they had made a thousand converts. Sidney Rigdon was made the first minister of the Mormon Church. In December, 1830, he was given the special indorsement of the Lord through a revelation to Smith, and by another revelation Kirtland, Rigdon's Ohio home, was designated as the gathering place of the faithful, the Promised Land of the Saints.

In January, 1831, Joseph Smith, Jr. and his family left western New York, accompanied by more than fifty families of his followers. As they traveled overland to what they called, and what they believed to be, the New Jerusalem, the seeds of Mormonism were sown by the wayside and many converts were made. Amid prayers and singing and religious demonstrations, they entered Ohio, and by June of that year the majority of the Church was settled in and about Kirtland. Active proselyting immediately commenced. Smith and Sidney Rigdon attempted the conversion of the little village of Hiram, noted afterwards as the seat of a college presided over by James A. Garfield. Their zeal was met with angry resistance, resulting in both being tarred and feathered by the indignant and orthodox populace. Nothing daunted, Smith appeared

next morning, which was Sunday, in his usual capacity as the "Prophet of the Lord." Rigdon was rendered temporarily insane on account of his treatment. This event occurred March 25, 1832.

During this year there came to the Mormon colony, a young man, just over thirty, whose life and career fill the greatest space in the history of Mormonism. This was Brigham Young. He was a man of much native shrewdness, earnest in his purposes yet eminently practical in worldly affairs. Smith, himself a great reader of men, saw at a glance the material before him, and Young was ordained as an elder to preach at once, and in three years after, at a conference held at Kirtland, he was selected as one of the Twelve Apostles. These three men—Smith, Rigdon and Young—formed a triumvirate that gave Mormonism its early strength and progress. To them can be credited the force that enabled it to locate and establish itself in Ohio in the face of a tremendous and persistent opposition. Smith furnished the religious ardor and inspired his people with a faith that they seemed to accept without question from his hands. Sidney Rigdon was the intellectual force and furnished the brilliant work of the pulpit. Brigham Young was more of an official or political leader. His strong, practical character supplied all the qualities in that direction in which his associates were lacking.

It was at Kirtland that Brigham Young married his first Mormon wife, thereby starting his remarkable matrimonial career, which has been one of the startling and disagreeable facts of Mormonism. At the time of his death, August 29, 1877, he left seventeen wives,

sixteen sons and twenty-eight daughters, and had been the father of fifty-six children. Young was first married in 1824, but his wife died eight years later, leaving two children. At Kirtland, he married Mary Ann Angel, whose parents lived a mile and a half from that village. At that time, Kirtland was in Geauga County, and in the records of the probate court of that county at Chardon may be seen to-day the following license:

"The State of Ohio, Geauga County, ss: Personally appeared Brigham Young and made application for a marriage license for himself and Mary Ann Angel of the Township of Kirtland, in said County, and made solemn oath that he, the said Brigham Young, is of the age of twenty-one years and the said Mary Ann Angel is the age of eighteen years. That they are both single, and no nearer of kin than first cousins. That he knows no legal impediment against their being joined in marriage.

"Sworn and subscribed this tenth day of February, 1834, before me, Ralph Cowles, Deputy Clerk."

In Brigham Young's signature to this application, he spells his first name "Brickham" and a small "y" commences his surname.

In the clerk's office of the county is also the following record:

"Be it remembered that on the thirty-first day of March, in the year of our Lord 1834, Brigham Young and Mary Ann Angel, of the County of Geauga, were legally joined in marriage, by competent authority, in conformity with the provisions of the statutes of the State of Ohio, in such cases made and provided,

and a certificate of the said marriage, signed by Sidney Rigdon, the minister who solemnized the same, has been filed in the office of the Clerk of Common Pleas of the said County of Geauga, this third day of April, A. D. 1834.

"A. D. Aiken, Clerk."

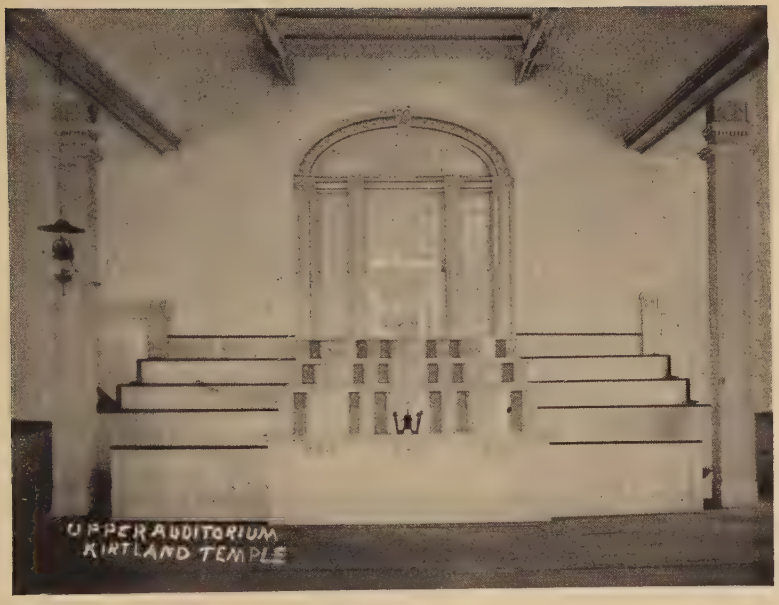
It is interesting to know that this Ohio girl, the only legitimate wife of Brigham Young's household, ranked first in his estimation throughout all of his eventful life. Perhaps her legitimacy as a wife had something to do with it. Hepworth Dixon, the English writer and traveler, visited Salt Lake City when Young was at the acme of his power, and he writes of this wife: "The queen of all is the first wife, Mary Ann Angel, an aged lady, whose five children, three sons and two daughters, are now grown up. She lives in a white cottage, the first house ever built in Salt Lake valley." This marriage and wife, at one time, served him to a very advantageous purpose, according to J. H. Kennedy, the author of "Early Days of Mormonism." When Ann Eliza, the nineteenth wife of Brigham Young, sued him for divorce and alimony, he sent to an attorney of Geauga County for a certified copy of his license and marriage certificate, which he pleaded as a bar to Ann Eliza's action. Thus, coolly claiming that as he was already married to Mary Ann, he could not legally be married to Ann Eliza.

The year 1832 was one of almost feverish supernaturalism at Kirtland. On January 25th of this year, Joseph Smith, Jr., was formally ordained President of the Church at Amherst, Lorain County. In

March, he was consecrated as President of the High Priests. During this summer, he was untiring in his labors; he was working on a Mormon translation of the Holy Bible, he founded a School of the Prophets and supervised and edited *The Evening and Morning Star*. He was drifting further and further into his claims of divine authority, until even the gift of miracles was assumed by himself, Rigdon and others of the elders. One of the most remarkable and impressive occurrences of that day authenticated by unquestionable testimony and reliable authority, was that of the cure of Mrs. Johnson of Hiram. Two of the leading citizens of that village were subjecting the new faith to critical and prayerful investigation with a view to accepting Mormonism. They were Ezra Booth, a Methodist minister, and Symonds Ryder, an elder of the Disciples Church. They determined to call upon Smith for a supreme test.

They had a subject in their neighbor, Mrs. Johnson, who for six years, had a useless right arm, resulting from a stroke of paralysis. The two orthodox ministers accompanied Mrs. Johnson, her husband and her physician to Kirtland, and they presented themselves before Joseph Smith, Jr. The ministers entered into a warm discussion with Smith regarding Mormonism. During their argument, Ryder asked if he could perform miracles as his followers claimed. Smith replied, "I cannot work miracles, but I believe that God, working through me, can." Thereupon, Ryder brought forward Mrs. Johnson, who had been standing by unobserved. "Here is Mrs. Johnson," said he with triumph, "She has a lame arm. Has God given

INTERIOR VIEWS OF THE
KIRTLAND TEMPLE


UPPER AUDITORIUM
KIRTLAND TEMPLE

power to any man on earth to cure her?" It was a crisis for the Prophet. Then followed the marvelous. Smith never quailed, nor showed the slightest weakness in this situation. He moved backwards a few steps, he fixed his eyes upon those of the affected woman and into them he gazed intently and steadily. Then he stepped forward to her side, held her palsied hand in his, and in a commanding and solemn tone, said: "Woman, in the name of the Lord Jesus Christ, I command thee to be whole." Then he turned abruptly and in silence, left the room. Mrs. Johnson moved her arm and found it full of life and subject to her control. Until the day of her death, fifteen years afterward, she had the same use of it as she had of her left arm.

In a sermon, preached at Hiram, August 3, 1870, President B. A. Hinsdale of Hiram college narrated this occurrence and referred to it as follows: "The company were awe-stricken at the infinite presumption of the man, and the calm assurance with which he spoke. The sudden mental and moral shock—I know not how better to explain the well attested fact—electrified the rheumatic arm. Mrs. Johnson at once lifted it up with ease and on her return next day, she was able to do her washing without difficulty or pain."

The miracle of the Prophet spread among the faithful, and scenes of religious enthusiasm rivalling those of Oriental devotees followed the great event. Of course, it was wholly ascribed to supernatural power. We can obtain a view of the psychological condition of this period from a book written by Eber D. Howe and published in 1834, entitled "Mormonism Unveiled."

Mr. Howe founded the *Painesville Telegraph* in 1822, and when the Mormons made their appearance in 1830, he chronicled all their movements in a faithful manner. He finally published his observations in the book mentioned. It created at the time an intense sensation and resulted in a feeling of wrath on the part of the Mormons.

We find in the strange manifestations of this time simply what has appeared among other religious enthusiasts in every other age and land. Speaking of this phase of life at Kirtland, Howe says: "They pretended that the power of miracles was about to be given to all those who embraced the new faith, and commenced communicating the Holy Spirit by laying their hands upon the heads of the converts, which operation at first produced an instantaneous prostration of body and mind. Many would fall upon the the floor, where they would lay for a long time, apparently lifeless. They thus continued these enthusiastic exhibitions for several weeks. The fits usually came on during or after their prayer meeting, which was held nearly every evening. The young men and women were more particularly subject to this delirium. They would exhibit all the apish actions imaginable, making the most ridiculous grimaces, creeping upon their hands and feet, rolling upon the frozen ground, going through with all the Indian modes of warfare, such as knocking down, scalping, ripping open and tearing out the bowels.

"At other times, they would run through the fields, get upon stumps, preach to imaginary congregations, enter the water and perform all the ceremony of bap-

tising. Many would have fits of speaking all the different Indian dialects, which none could understand. Again, at the dead of night, the young men might be seen running over the fields and hills in pursuit, as they said, of the balls of fire, lights, etc., which they saw moving through the atmosphere. Three of them pretended to have received permission to preach, from the skies. One of the young men referred to freely acknowledged, some months afterwards, that he knew not what he did for two or three weeks."

The widespread religious emotionalism manifested on these occasions by the laity, under which each individual claimed the "gift of tongues," and the "power of miracles and divine inspiration," alarmed the Prophet. The local press also, which was altogether in charge of unbelievers, was exploiting the strange doings and was heaping ridicule upon these demonstrations. He saw that it was bringing Mormonism into disrepute, that it was an invasion of his sacred powers and prerogatives and that it tended to spiritual individualism, if not religious chaos. Therefore, there came a revelation to the Prophet that no one should have communication with the Most High except Joseph Smith, Jr. This ended the wonderful evidences of supernatural influence among the plain people of Zion.

One of the dreams of the Prophet was that the new religion should exhibit material and temporal prosperity as well as spiritual and religious dominion. The accumulation of property, therefore, became a decided part in the program of the Church. Early in 1833 it was decided by the presidency to purchase all the land at Kirtland that they could pay for; and in addi-

tion, erect for the glory of the Church, a grand temple that should be a lasting monument to Zion. This was determined upon after Joseph Smith, Jr., received a revelation May 6, 1833. The fund for the construction of the Temple was to be provided from tithes, and one-seventh of the time of each Mormon was to be contributed in labor. Notwithstanding that the membership was poor, they zealously and earnestly assumed this burden. They were as anxious as Smith that the dreams of the Church should materialize in a Temple to the Lord.

Smith himself assumed the position of foreman, and he saw that every man in Zion did his share; that rich and poor, old and young, all contributed with their own hands the labor due. The women worked also and spun, wove and sewed cloth into garments for those who labored. The master builder was Joseph Bump, and at the end of every day, he was handed a special written revelation from the Prophet, outlining his duties for the day following.

Heber C. Kimball in his journal published in the *Times and Seasons* (Vol. 6, pp. 867,868), an official organ of the church, gives an inside picture of the industry and sacrifice exercised in the construction of the Temple. Therein he states: "At this time the brethren were laboring night and day building the house of the Lord. Our women were engaged in spinning and knitting in order to clothe those who were laboring at the building, and the Lord only knows the scenes of poverty, tribulation, and distress which we passed through in order to accomplish this thing. My wife toiled all summer in lending her aid towards its accom-

FACSIMILE OF BANK NOTE

Issued by a financial institution of the Mormons at Kirtland, of which Joseph Smith, Jr., was President.

Upon the refusal of the Ohio Legislature to grant a charter for a bank to Smith and his associates, they organized the "Kirtland Safety Society Bank." All concerned were afterward prosecuted and convicted for illegal banking.

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No. 2384
THE KIRTLAND
50
50
SAFETY SOCIETY BANK
Will pay FIFTY DOLLARS on demand
to O. Pratt or bearer
Kirtland Ohio Mar 7 1837
J. Smith Jr Cash.r S. Rigdon Pres.t
Underwood Bald Spencer & Hufty N. York & Philad.a

plishment. She had a hundred pounds of wool, which, with the assistance of a girl, she spun in order to furnish clothing for those engaged in the building of the Temple; and although she had the privilege of keeping half the quantity of wool for herself, as a recompense for her labor, she did not reserve even so much as would make her a pair of stockings, but gave it for those who were laboring at the house of the Lord. She spun and wove, and got the cloth dressed and cut and made up into garments, and gave them to those men who labored on the Temple. Almost all the sisters in Kirtland labored in knitting, sewing, spinning, etc., for the purpose of forwarding the work of the Lord, while we went up to Missouri to endeavor to reinstate our brethren on their lands, from which they had been driven.

"Elder Rigdon when addressing the brethren upon the importance of building this house, spake to this effect: that we should use every effort to accomplish this building by the time appointed; and if we did, the Lord would accept it at our hands; and on it depends the salvation of the church and also of the world. Looking at the sufferings and poverty of the church, he frequently used to go upon the walls of the building both by night and day and frequently wetting the walls with his tears, crying aloud to the Almighty to send means whereby we might accomplish the building. After we returned from our journey to the West, the whole church united in this undertaking, and every man lent a helping hand. Those who had no teams went to work in the stone quarry and prepared the stones for drawing to the house.

"President Joseph Smith, Jr., being our foreman in the quarry; the Presidency, high priests, and elders all alike assisting. Those who had teams assisted in drawing the stone to the house. These all laboring one day in the week, brought as many stones to the house as supplied the masons through the whole week. We continued in this manner until the walls of the house were reared. The committee who were appointed by revelation to superintend the building of the house were, Hyrum Smith, Reynolds Cahoon, and Jared Carter. These men used every exertion in their power to forward the work."

The corner stone of the Temple was laid July 24, 1833, and for nearly three years the labor of construction was carried on day and night with unceasing and enthusiastic sacrifice. The Temple was dedicated March 27, 1836. It was a day of mysterious and emotional enthusiasm; for four days and four nights following, the Saints abandoned themselves to an excited religious fervor. There were four hundred and sixteen elders, priests, teachers and deacons assembled in the Temple, and there were gathered there many thousands from all over Northern Ohio.

Joseph Smith, Jr. was in the atmosphere of his highest power. Visions appeared to him; among those present he announced Moses, Elijah and Elisha. These ancient prophets appeared, so he announced, and bestowed upon him supreme power over things spiritual and temporal. Angels freely communicated with him on this eventful day, and they mingled freely in the throng, but were not visible to any mortal eyes save his. Brigham Young also appeared in great glory.

He was seized with the "gift of tongues," and although his sermon was unintelligible, every one of the faithful knew it was the language of inspiration. There were other signs and wonders. Hovering over the Temple was seen a pillar of fire, and in the air, supernatural sounds of heavenly music were heard. The ceremony of washing the feet was performed on the night of March 27, and each Saint performed this service for another. The Mormon records tell that many remained in the Temple all night "gloryfying God and prophesying." These scenes kept up until March 31, and on their termination, the Saints felt as if they had really reached the Promised Land.

The Kirtland temple was built on elevated ground and it may be seen a long distance off; it is three miles southeast of Willoughby and six miles direct from Lake Erie. It is a massive structure of rough stone plastered over with cement and marked in imitation of regular courses of masonry. It is sixty by eighty feet and three stories high beside the basement. In the front wall, over the largest window is the inscription, "House of the Lord, built by the Church of the Latter Day Saints, A. D. 1834." The first and second stories are auditoriums, 55 by 65 feet. The attic or third story is divided into five apartments. In each of the auditoriums are four pulpits, one rising above the other and each holding three persons. These pulpits were designed for the priesthood of Aaron and Melchisedec. Such is this queer structure as it stands to-day. It is an architectural monstrosity and yet it remains as a historic memorial of great human endeavor and enthusiasm. For that day and that people, it was a

courageous undertaking, and its cost—sixty thousand dollars—was itself of great magnitude when we bear in mind the scarcity of money at that time.

The next few years of the Church at Kirtland saw the ecclesiastical machinery increased with a view both to more effective organization and a more imposing symbolism. On March 18, 1833, the first Presidency was established, consisting of Joseph Smith, Jr., Sidney Rigdon and Frederick G. Williams. These three were also to be presidents of the High Council, which was created February 17, 1834. This body was composed of the following High Priests: Joseph Smith, Sr., John Smith, Joseph Coe, John Johnson, Martin Harris, John S. Carter, Jared Carter, Oliver Cowdery, Samuel H. Smith, Orson Hyde, Sylvester Smith and Luke Johnson. This was the judiciary of the Church, and was the Court of Last Appeal for all disputes. In the language of the Mormon record: "The High Council was appointed by revelation for the purpose of settling important difficulties which might arise in the Church, which could not be settled by the Church or the Bishop's Council to the satisfaction of the Party."

On May 3, 1834, the Elders formally chose the name of "The Church of Jesus Christ of Latter Day Saints" to designate the new spiritual organization. Following this action other important church measures were adopted, looking to its perfection. On February 14, 1835, a quorum of Twelve Apostles was organized, consisting of Lyman E. Johnson, Brigham Young. Heber C. Kimball, Orson Hyde, David W. Patton, Luke Johnson, William E. McLellin, John F. Boynton, Orson Pratt, William Smith, Thomas B. March and

Parley P. Pratt. On February 28 two Quorums of Seventy were organized. These were the active ministers of the church. They were under the direction of the Twelve Apostles and these in turn were appointed by and acted under the authority of the Presidency. When the general assembly of the church was held on August 17 the "Book of Doctrines and Covenants" was declared to be the rule of faith and Mormon life. On January 4, 1836 a Hebrew professorship was established, and on June 12, 1837, Heber C. Kimball and Orson Hyde headed a body of foreign missionaries who were sent to England to convert its people to the Mormon faith.

Having reached a point where the church had nearly a perfect organization, almost autocratic power and an increasing membership, it turned into the dangerous channel of money-making and financial investment. The period was one of speculation, and notwithstanding the divine guidance assumed by the Church, it fell into the error of worldly ways. This took the form first of real estate ventures and afterward of banking. Smith himself in his autobiography gives a frank history of the troubles that the church encountered. Says he: "At this time the spirit of speculation in lands and property of all kinds, which were so prevalent throughout the whole nation was taking deep root in the church; as the fruits of this spirit evil surmisings, fault-finding, disunion, dissension and apostasy followed in quick succession, and it seemed as though all the powers of earth and hell were combining their influence in an especial manner to overthrow the church at once and make a final end. The enemy

abroad and apostates in our midst united in their scheme; flour and provisions were turned toward other markets; and many became disaffected toward me, as though I were the sole cause of those very evils I was most strenuously striving against, and which were actually brought upon us by the brethren not giving heed to my counsel. No quorum in the church was entirely exempt from the influence of those false spirits who were striving against me for the mastery; even some of the Twelve were so far lost to their high and responsible calling, as to begin to take sides with the enemy."

The facts are, however, that among the most conspicuous real estate speculators in the church were Joseph Smith, Jr., his father and other relatives. The books of the recorder's office at Chardon are silent witnesses to this fact. A plat, made in April and recorded in May, 1837, provided for a city to be known as "Kirtland City." The Temple was located in the center. The plat shows that there were to be two hundred and twenty-five blocks of twenty lots each, making forty-five hundred city lots in all. In the syndicate putting this allotment on the market, we read names familiar in the church. They were Joseph Smith, Sr., Joseph Smith, Jr. and his wife Emma, Eliza R. Snow, the Mormon poetess, Hyrum Smith, Oliver Cowdery, Heber C. Kimball and Sidney Rigdon. Whether the proceeds of this vast real estate project were to go into the church treasury is not known, for rack and ruin came upon the dream of a boom town before it was realized.

FACSIMILE OF A PORTION OF THE ORIGINAL
MANUSCRIPT OF THE BOOK OF MORMON

Caractors

As an adjunct to carrying out the plans for acquiring wealth for the church, the Prophet had a revelation that he should start a bank. He thereupon appealed to the Legislature for a charter for that purpose, but it was refused. Thereupon, disregarding the refusal of the Legislature, he organized in January, 1837, the "Kirtland Safety Society Bank." Smith was made president and Sidney Rigdon, the cashier; the capital stock was fixed at $5,000. It exercised banking powers as freely as if it had been incorporated, and issued its bills with the assurance by Smith of future payment and that the Lord would take care of them.

The bank was expected to be of great aid in warding off financial distress, which was becoming apparent. The first evidence came when Newell K. Whitney and Sidney Rigdon were sued on a note by the Bank of Geauga at Painesville. This was settled, only to be followed by a suit against the general store syndicate composed of Rigdon, Smith and Cowdery. A judgment for a large amount was given against these parties. Distress again followed in July, 1837, when as a result of financial complications, Sidney Rigdon, Joseph Smith, Jr., Oliver Cowdery, Hyrum Smith, Reynolds Cahoon and Jared Carter executed a mortgage on the Temple to secure an indebtedness of $4,500. The climax was reached when a proceeding was instituted against Smith and Rigdon for acting as bank officers without authority of law. They were arrested, and at the October term of the court in that year, they were found guilty and ordered to pay a fine of $1,000 each. On their trial, they claimed that they represented a mutual savings association and not a bank,

and that the bills issued were individual notes. The case was taken up on error on these grounds; it was never decided, as all of the defendants fled beyond the jurisdiction of the court before the time of hearing.

As the year 1837 was drawing to a close, it was apparent that the Mormon church had reached a critical period of its history. In November, the bank suspended specie payment and closed its doors. This was the fatal blow to Mormonism in Ohio. After this, followed scenes of revolt and open crimination against the Prophet. In the midst of schism, opposition, apostasy and personal threats, it must be said that he stood his ground as long as there was any show of stemming the tide that had set in against him. But the dangers grew apace with the hours, and he saw only attempted revenge, arrest, prosecution and punishment in the near future for him. It was on the last Sabbath of 1837 that Smith and Rigdon met their people in the Temple to combat and suppress the religious mutiny. They failed to quell the opposition and on a vote, the Prophet's spiritual powers were not recognized.

The end can best be described by Smith himself. Afterward in *The Evening and Morning Star*, he thus wrote of his departure from Kirtland: "A new year dawned upon the church at Kirtland in all the bitterness of the spirit of apostate mobocracy, which continued to rage and grow hotter and hotter, until Elder Rigdon and myself were obliged to flee from its deadly influence, as did the apostles and prophets of old, and as Jesus said, 'When they persecute you in one city, flee ye to another.' And on the evening of the twelfth

of January [1837] about 10 o'clock, we left Kirtland on horseback to escape mob violence which was about to burst upon us under the color of legal process, and to cover their hellish designs and save themselves from the just judgment of the law. The weather was extremely cold, and we were obliged to secrete ourselves sometimes to elude the grasp of our pursuers, who continued their race more than two hundred miles from Kirtland, armed with pistols, etc., seeking our lives."

The fleeing Prophet and his High Priest found safety and a welcome among the Mormons at Far West, Missouri, where another Zion was planted, modelled after Kirtland. A town was platted and another temple projected and a stormier career was entered upon. The Missourians inaugurated a war that eventually drove the Saints to Illinois, where in 1840 they founded the town of Nauvoo. Here another temple was planned and the construction commenced. The introduction of polygamy aroused bitter hostilities against Smith and his followers, culminating in riot and bloodshed. Joseph and Hyrum Smith were arrested on the charge of treason and imprisoned in the Carthage jail. June 27, 1844, a mob attacked the jail and murdered them both.

This event practically disorganized the church. Brigham Young succeeded Smith and led a small minority of his church to Utah, where under his polygamous reign it started a career in which it has developed great wealth and power.

The original Mormon faith as established by Joseph Smith, Jr. was adhered to by a small band of followers.

It is known now as the "Reorganized Church of Jesus Christ of Latter Day Saints," and is a strong opponent of the doctrine and practice of polygamy. They own and occupy the Kirtland Temple, having acquired a complete title to it in 1880. The Court of Common Pleas of Lake County in an action in which "The Church in Utah of which John Taylor is President and commonly known as the Mormon Church" was chief defendant, decreed that the ownership was in the "reorganized" church. The allegations in this suit to establish title were not disputed, therefore they are interesting from an historical viewpoint. In its petition, the plaintiff, the reorganized church, after giving a detailed statement of its origin and settlement at Kirtland, and a description of the land conveyed to Joseph Smith, Jr. as Trustee for the use of that church, says:

"And upon said lands said Church had erected a church edifice known as the Temple, and were then in possession and occupancy thereof for religious purposes, and so continued until the disorganization of said Church, which occurred about 1844. That the main body of said Religious Society had removed from Kirtland aforesaid, and were located at Nauvoo, Illinois, in 1844, when said Joseph Smith died, and said Church was disorganized and the membership (then being estimated at about 100,000) scattered in smaller fragments, each claiming to be the original and true Church before named, and located in different states and places.

"That one of said fragments, estimated at ten thousand, removed to the Territory of Utah under the leadership of Brigham Young, and located there, and with accessions since, now constitute the Church in Utah,

under the leadership and Presidency of John Taylor, and is named as one of the defendants in this action.

"That after the departure of said fragment of said church for Utah, a large number of the officials and membership of the original church which was disorganized at Nauvoo, reorganized under the name of the Reorganized Church of Jesus Christ of Latter Day Saints, and on the 5th day of February, 1873, became incorporated under the laws of the state of Illinois and since that time all other fragments of said original Church (except that one in Utah) have dissolved, and the membership has largely become incorporated with said Reorganized Church which is the plaintiff in this action.

"That the said Plaintiff, the Reorganized Church of Jesus Christ of Latter Day Saints, is a Religious Society, founded and organized upon the same doctrines and tenets, and having the same church organization, as the original Church of Jesus Christ of Latter Day Saints, organized in 1830, by Joseph Smith, and was organized pursuant to the constitution, laws and usages of said original Church, and has branches located in Illinois, Ohio, and other States.

"That the church in Utah, the Defendant, of which John Taylor is President, has materially and largely departed from the faith, doctrines, laws, ordinances and usages of said original Church of Jesus Christ of Latter Day Saints, and has incorporated into its system of faith the doctrines of Celestial Marriage and a plurality of wives, and the doctrine of Adam-God worship, contrary to the laws and constitution of said original Church."

The court proceeded to decree that the reorganized church was the true and lawful successor to the original church founded by Joseph Smith, Jr., in 1830, and entitled in law to all its rights and property. Thus the Temple passed into the hands of the followers of those who built it. It has been restored and a branch of the reorganized church now worships therein. The present membership in Ohio according to the official church records of 1910 numbers one thousand seven hundred and six persons.

Chapter XIV.

HISTORICAL COLLECTIONS
COLUMBUS MADE PERMANENT CAPITAL
THE FLOOD OF 1832
THE "TOLEDO WAR"
SKETCHES OF GOVERNORS

THE locating of a state capital is always attended with rivalries and conflicts both commercial and political. The establishment of Ohio's seat of government was no exception to this rule. In its territorial period it was at Cincinnati, Chillicothe, and again at Cincinnati. After statehood was assumed it was moved from Chillicothe, where the first constitution fixed it until 1808, to Zanesville, and from there it was temporarily removed to Chillicothe.

This migratory tendency was terminated by the Tenth General Assembly in session at Zanesville in 1811-12. After considering nine propositions for a site from different persons in Franklin, Delaware and Pickaway counties, the Legislature finally adopted that of Lyne Starling, John Kerr, A. McLaughlin and James Johnston. They proposed that if the legislature would establish the permanent seat of government of Ohio on the east bank of the Scioto River opposite the town of Franklinton on certain lands described, that they would lay out a town thereon before the first day of July following, that they would convey ten acres of land for state buildings and a like amount for a penitentiary, and that they would erect such buildings to the value of fifty thousand dollars. A bond of one hundred thousand dollars was offered, conditioned that the proposition would be carried out. After some modifications, one of which was that the location was not to be fixed beyond 1840, the legislature accepted the offers of Lyne Starling and his associates. This was done by an act passed February 14, 1812, which also provided for the removal of the capital

to Chillicothe pending the construction of the state buildings at the newly fixed seat of government. The location of the capital was not determined without bitter controversy. The representatives of the respective sites offered maintained lobbies and used every means known to legislative legerdemain to secure a victory. That it was fixed at what is now Columbus is undoubtedly due to the zeal, industry and perseverance of Joseph Foos, the Senator from Franklin County. The public press of that day freely accorded to him this honor. To him also can be credited the naming of the capital Columbus.

The future capital of Ohio was a virgin forest unmarked, save by a single cabin, with the habitation or work of man. Except the designation of the "High bank on the east side of the Scioto River opposite the town of Franklinton," it had no name to insert in the official records. This was remedied February 21st, when the General Assembly by a joint resolution declared that the "permanent seat of government of this State shall be known and distinguished by the name of Columbus."

The four proprietors of Columbus proceeded to lay out the town as required by their contract, and on June 18, 1812, the day the war was declared against England, the first sale of lots took place. The little town took on immediate growth so that a census taken in the spring of 1815 showed over seven hundred inhabitants. On February 10, 1816, it was incorporated under the name of "The Borough of Columbus," and on the 17th of the same month the General Assembly passed an act fixing the seat of government

THE FIRST STATE BUILDINGS AT COLUMBUS

The State House—on the right—was built of brick and extended seventy-five feet north and south on High Street and fifty feet east and west along State Street; the state offices were in the building to the left of the State House; it was a two-story brick, twenty-five by one hundred and fifty feet on High Street, in direct line with the State House; it was occupied by the Secretary of State, the Auditor of State, the Treasurer of State and the State Library; the old State House was destroyed by fire, February 1, 1852. The state buildings were taken down in 1857.

THE THREE STATE BUILDINGS AT COLUMBIA

The State House—the right [illegible] of brick and [illegible] seventy-five feet deep and south on High Street [illegible] feet, and was also [illegible] Main Street; the State office [illegible] was in the building [illegible] on June 8 to House; it was [illegible] by one hundred [illegible] and [illegible] on High Street, in direct line with the State House; it was occupied by the Senate and the Supreme Court of State; the Treasurer of State in the Sixth [illegible], the old State House was [illegible] by fire February 1, 1852. The state buildings were [illegible] in 1852.

at Columbus from and after the second Tuesday of October, 1816. Accordingly the state offices were removed from Chillicothe to Columbus, and on December 2d of that year the General Assembly met for the first time in Columbus in the new State House, which was completed two years ahead of the time fixed by the contract.

The first Governor of Ohio to be inaugurated in the new capitol was Thomas Worthington of Chillicothe, who assumed his second term and delivered his inaugural address before both Houses of the Legislature on December 9, 1816. He had been elected to his first term in 1814, and to accept the Governorship he resigned his seat in the United States Senate. As one of the coevals of Tiffin, Massie, Burnet and Putnam, he helped to create and build the State. In other chapters (II, III), we have read of his labors in the Territorial period, and his prominent part in the struggle for statehood, but his place in the history of Ohio rests more upon his record as United States Senator and Governor. His great labors on behalf of his State in these offices are worth more than a passing notice.

He was one of the two United States Senators from Ohio elected by the first Legislature which met March 1, 1803. Senator Worthington at once took an important rank in the Senate as a man of affairs, and he was recognized as a practical authority on the wants of the new State and the West generally. He was not a stranger at the seat of government. In the struggle for statehood he was first at Philadelphia, and afterward at Washington representing the Democratic-

Republicans in their fight against Governor St. Clair, and in their movement for the admission of Ohio to the Union. He was recognized by President Jefferson as one of the influential leaders of the party to which both belonged, and as a staunch friend of the administration.

On the questions of canals, internal improvements and public lands he was an acknowledged authority. The Secretary of the Treasury, Albert Gallatin, wrote to President Jefferson, November 25, 1807 (Writings of A. Gallatin, I. 323), concerning Worthington as follows: "Whatever relates to land cannot be too closely watched. Worthington is the only one in the Senate, since Breckinridge left, who understands the subject. He has been perfectly faithful in that respect, trying to relieve as much as possible the purchasers generally from being pressed for payment." On the last day of his first term in the Senate he secured the passage of a resolution that was the precursor of the government's construction of the National Road.

He was again elected to the Senate, December 10, 1810, to serve out the unfinished term, ending March 4, 1815, of Return J. Meigs, Jr., who had been elected Governor. Again he became the authority on the Public Domain. He served on the Committees on Public Lands, Manufactures, and Indian Affairs. The establishment of the General Land Office was the result of a bill introduced by him, which became a law, April 24, 1812. He secured an appropriation of $30,000 to finish the first section of the National Road, which was one of the results of his project of internal improvements.

Although a Democrat, he opposed and voted against the declaration of war against Great Britain in 1812 because he believed it was ill-advised and the country was not prepared for the conflict. His opposition, however, stopped with his vote, for he supported all the war measures of that time.

On December 8, 1814, he was inaugurated at Chillicothe as Governor. He had resigned from the United States Senate the day before. The war was still on and Governor Worthington lent all his energies to sustaining the National Government and protecting Ohio. During his term as Governor he constantly urged the Legislature to take steps looking to the construction of canals and the advancement of education. His lasting personal memorial is the State Library which he founded in 1817. By the economical management of the contingent fund of the Governor's office he, unexpectedly to the public, announced to the Legislature that he had selected and purchased a library of 509 volumes, which was to constitute a collection for the use of the State officials and the Legislature. From this beginning has grown the present State Library of 75,000 volumes. Nearly all the books selected by Governor Worthington are in the Library to-day.

After serving two terms as Governor, he represented Ross County in the Twentieth and Twenty-First General Assemblies in 1821-23. He afterwards acted on the Canal Commission with Alfred Kelley, and did much to promote a canal system, being the first Governor to advocate that improvement.

Thomas Worthington may justly be styled one of the master spirits of Ohio. His long public career was productive of much good. He was distinctly a constructive statesman, giving his whole life to founding and building Ohio to greatness. When we look over his work in this State we find that he was the first Governor to urge free schools for the poor, to restrict the liquor traffic in favor of temperance, to found a great library, to recommend a Governor's mansion, to grant prisoners in the penitentiary a portion of their labor income, to urge a state normal school, to establish county infirmaries, to advocate canals, and to promote internal improvements by state roads. Measuring his full career both in National and State affairs, we can well agree with Salmon P. Chase, that he was a "gentleman of distinguished ability and great influence."

Lafayette, the distinguished compatriot and friend of Washington, paid a formal visit to Ohio in 1825. He was received at Cincinnati in May of that year by Governor Morrow and his staff in the presence of 50,000 people. Amid the thundering of cannon and the acclamations of a grateful multitude, the friend of the Nation in its darkest hour was welcomed by a new generation. It was truly a marvelous scene. When last in America, sharing with Washington the hardships of the camp and the glories of the field, the territory upon which he now landed was absolutely wild with savage beasts and still more savage men. Since then a new empire of the West had grown up, cities had arisen where once forests grew, and the great unknown and uncivilized West of the Revolu-

tionary era had developed into a territory inhabited by three and one-half millions of people. To Lafayette it was indeed a soul-stirring sight. He loved the Republic and republican institutions wherever found. The new world received the Great Republican of the old, not only for the glorious help he gave in the Revolution, but because for liberty's sake he had since then suffered fines and persecutions and imprisonment.

Lafayette had arrived in this country the summer before, and his visit was a continual ovation from a grateful Nation unforgetful of patriotic memories. He was escorted to Cincinnati by the Governor of Kentucky and a splendid suite, and received, as before stated, by the Governor of Ohio. Among those prominently identified with Lafayette's reception were Generals Harrison and Lytle, and Judge Burnet, a trio of pioneers who revived strongly the days of the Northwest Territory.

An interesting incident occurred on this occasion. Among the thousands that welcomed the great guest on that bright May morning was a good German woman who, years before, gave Lafayette a cup of milk and a three-franc piece as he came out of the fortress of Olmutz, where he had been long and cruelly imprisoned as a friend of liberty. Lafayette upon meeting her gave her an affectionate and tender greeting.

He could not find time in the press of his engagements to visit the interior of Ohio. He traveled on the Ohio River, and visited Gallipolis, where he was enthusiastically received by the small remnant of French settlers at that place. Governor Morrow accompanied him eastward as far as Wheeling, where

he was welcomed by the people of Virginia with great honor and hospitality. Bidding him goodbye and God-speed, Governor Morrow returned to the State Capital.

In 1832 occurred one of those remarkable and devastating floods in the Ohio River, which work occasionally so much destruction to Ohio property and business. The summer and autumn of the previous year were very rainy; in those seasons there fell in the Ohio Valley three feet of rain, whereas that fall was the usual one for the entire year. Snow fell heavily up in the mountains, so that when the breaking up of the winter arrived in February, additional falls of snow and rain found the Ohio River high in its banks and rising rapidly. In the last ten days of January there fell sixteen inches of snow, then for twelve days came a rain of eight inches accompanied with a warm temperature. The result was an immense inundation. The destruction and devastation which followed are simply indescribable. To the danger and damage of property was added the terror and helplessness of the people along the river in the presence of a calamity no human means could avert or lessen. At Marietta on Saturday and Sunday, the 11th and 12th of February, the river was a floating mass of ruins. Dwelling houses, stables, haystacks, boards, timber, trees and farming implements, all piled in confusion, floated down the stream. In one place where their progress was impeded, these accumulated ruins heaped up to the height of thirty feet. At an island below Marietta over thirty buildings were crowded upon each other by the resistless flood. In some

of these were complete stocks of country stores. An instance is known of a barn that floated one hundred miles and landed at Long Bottom, Meigs County, with a horse safely resting within. Much stock was drowned, and the whole territory along the river was a sad scene of devastation. Outside of the towns, the loss in Ohio was estimated at about five hundred dollars per mile. The destructiveness of the flood seemed to have penetrated the interior of the State. The continued rains filled all the rivers to overflowing. The Maumee, the Great Miami, the Scioto and other streams of less importance leaped their banks, destroying bridges, mills, fences, stock and produce.

In the cities and towns, especially in the river counties, the loss was incalculable. In Cincinnati five hundred families were driven from their homes and a half million dollars worth of property destroyed. The two days of distress are thus described by the *Cincinnati American:*

"Thursday, February 16, 1832.—The river still continues on the rise; it is undoubtedly sixty-four feet above low water mark. Yesterday it rose at the rate of an inch an hour. From six o'clock last evening to six this morning, we should think at the rate of an inch an hour. The 'Amulet,' from above, reports that we may expect twelve or fifteen inches more. It was falling above the Great Kanawha, and was at a stand below. It rose several inches while the boat was at Maysville. Yesterday afternoon we took a boat in company with a number of others, and rowed to the lower part of the city; the scene presented cannot easily be described. It was painful to witness destruction

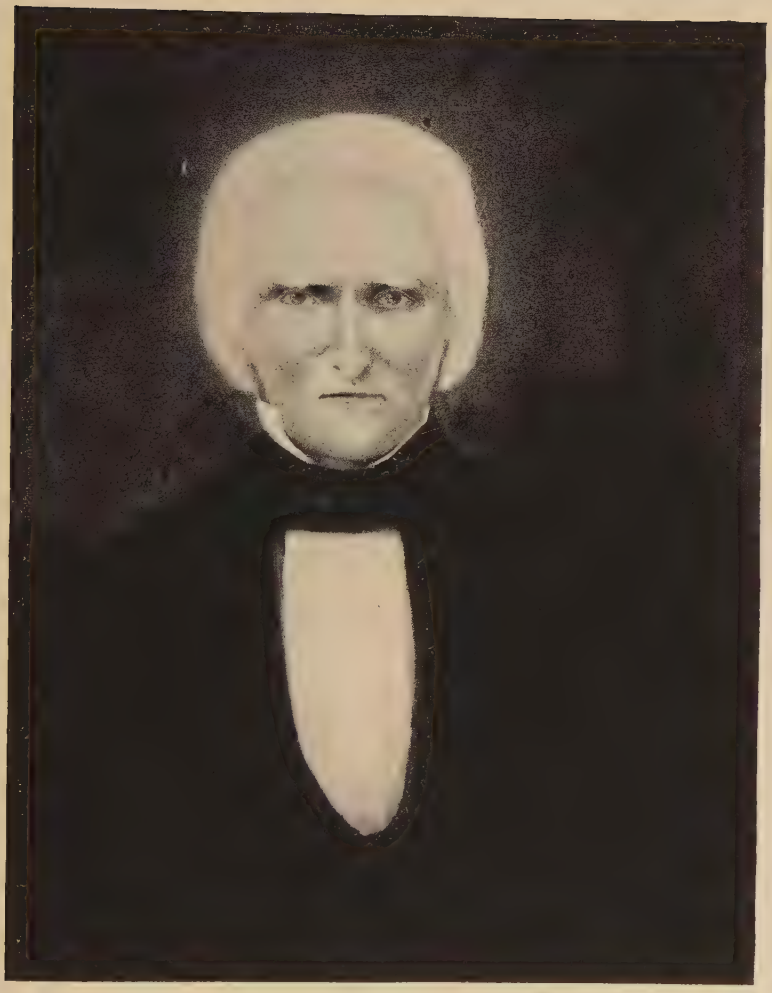
on so vast a scale, some houses upset, others in imminent danger; the water reached the roofs of the more humble and the windows of the second stories of good frame houses. Flatboats loaded with women and children, furniture and live stock, were busily engaged in Race, Vine, Elm and Walnut streets. The paper-mills appeared to be in the middle of the river, if river it could be called; skiffs were passing in every direction. We returned by way of Front Street. The fine houses flooded, the lower part of the street deserted, and the second stories occupied by those nearer to Main street, boat loads of furniture from Water street, formed a melancholy *tout ensemble*. Two of the workmen at Fift's foundry were drowned last night; they ran down into the cellar at the time the embankment gave way to save some effects; the water rushed in with such fury as to render escape impossible. There is a report of two or three children being taken from a floating cabin, but we cannot trace it to an authentic source."

"Friday morning, February 17.—The work of destruction still continues, the river having reached nearly to lower Market street; when we issued our first circular, no one presumed it would reach higher than Columbia street, but all calculations have failed. 'It is still on the rise, it is still on the rise,' is all that is said or known. All kinds of craft are put in requisition—tubs, boxes, canoes, flats, 'dugouts,' skiffs, yawls, etc. The scene is as lively as a 'regatta' at Venice, though we may not boast of a Bravo or an Antonio. We ought to except a baker who manages his trough with wonderful dexterity. We cannot enumerate half the sad calamities rumor is bringing

GOVERNOR ROBERT LUCAS

From a painting by John H. Witt in the Capitol at Columbus.

Born, April 1, 1781, in Jefferson County, Virginia; settled in Ohio at Portsmouth; served in the War of 1812; was frequently a member of the House and Senate; elected Governor in 1832 and 1834; served as Governor of the Territory of Iowa under President Van Buren; died at Iowa City, Iowa, February 7, 1853.



in. The river, as it sweeps by with its accumulated waters, carries with it the wreck of its desolation. A church passed the city with its steeple standing, bound for New Orleans we presume—a poor market. Excellent frame houses float along, with hay-stacks, rails, etc., leaving the farm stripped of every vestige of cultivation. The lower Mill creek bridge started yesterday morning. Hamilton and Colerain bridges have floated off, and the bridge over the White river in Kentucky. The Kentucky river is banked up at Frankfort, sixty-four miles above its mouth. Newport, opposite to Cincinnati, was pretty well afloat, the water having reached nearly to the windows of the second story of the United States Arsenal. Covington does better, some dry land being discernable."

Entire villages along the Ohio were depopulated. From Steubenville to Cincinnati every town, excepting Gallipolis, was compelled to suspend business.

The flood of 1772, which is the earliest of which we have any account, was five feet higher than that of 1832. "After General Wayne's treaty with the Indians in 1795," says a pioneer writer, "the natives frequently visited the settlement at Marietta for the purposes of trade. Seeing the dwelling houses erected and improvements making on the bottom lands, the aged Indians, with a shake of the head, would point with their hands to the elevated branches of the sycamore trees on the banks of the river, saying they had seen the water that high, and at some future day the white man would see it there also. All who heard it at that time believed it to be an Indian hyperbole; but recent events proved the Indian legend to be true." These

scenes of devastation have occurred several times since, causing increased destruction and suffering on account of the denser population at each recurring flood.

The dispute between the State of Ohio and the Territory of Michigan, which had been going on for several years, over the boundary line between them, culminated in 1835. It resulted in actual warfare between them, as far as military preparations, enlistments, and campaigns can constitute war. Fortunately there was no blood shed. The war, for it was known throughout the country as the "Toledo War," was the occasion of much ill feeling and bitterness between the parties concerned, and of anxiety to the United States. In order to understand the controversy properly, a review of certain events is necessary.

In the Ordinance of 1787, which provided for the government of the Northwest Territory, the northern boundary of what now constitutes Ohio, Indiana and Illinois was declared to be a line dividing the United States and the British possessions, but the Ordinance contained the further provision that "the boundaries of these three states shall be subject so far to be altered, that, if Congress shall find it expedient, they shall have authority to form one or two states in that part of said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan." Afterwards, in 1802, in the act giving Ohio the right to form a State Constitution, Congress described the northern boundary of the proposed State as follows:

"On the north by an east and west line drawn through the southerly extreme of Lake Michigan,

running east after intersecting the due north line from the mouth of the Great Miami, until it shall intersect Lake Erie, or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line."

When Ohio the same year adopted her Constitution she designated in that instrument the same northern boundary as that named in the act of Congress, but seeing difficulty ahead, made this condition to the adoption of the boundary:

"Provided always, and it is hereby understood and declared by this Convention, that if the southerly bend or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, east of the mouth of the Miami River of the lake, then and in that case, with the assent of the Congress of the United States, the northern boundary of this State shall be established by and extend to a direct line running from the southerly extremity of Lake Michigan to the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the Great Miami River aforesaid; thence northeast to the territorial line to the Pennsylvania line."

The difficulty can be seen at once. When Congress passed the act of 1802, there was very little information as to the relative geographical positions of Lakes Erie and Michigan. The northern boundary line of Ohio as fixed by that act was an impossible line. Such a line instead of intersecting Lake Erie would pass several miles south of the lake and divide what now constitute Cuyahoga, Lake and Geauga counties. Congress never intended such a boundary line, but

always recognized Lake Erie as the northern limit of Ohio. When Ohio discovered the uncertainty of the northern boundary, application was made to Congress for a survey of the line designated in the constitutional proviso of the State. Attempts were made in 1812 to survey a line under a resolution of Congress, but they were thwarted by the hostilities between our country and Great Britain, but in 1817 it was done. William Harris, under the instruction of the Surveyor General, ran the line which Ohio claimed as her boundary, and it was known in the controversy as the "Harris Line."

Harris reported his survey to the Governor of Ohio and the Land Office at Washington. On the 29th of January, 1818, the Legislature of Ohio promptly ratified and adopted the "Harris Line" as the northern boundary of the State.

In the meantime, the Territory of Michigan had been formed and its southern boundary fixed as in the act authorizing the Territory of Ohio to form a State government. The Territory of Michigan, therefore, enforced her laws in, and claimed jurisdiction over, a strip of territory the whole length of the Ohio northern boundary. This strip was five miles in width at the west end, and over eight miles at the east end. It was rich, agricultural land, but its chief charm was the harbor where Toledo is now situated. The citizens of the disputed territory soon addressed Governor Lucas, asking that some measures be taken by the legislature of Ohio looking to state control. The Governor in a special message, presented the case, and on February 23, 1835, an act was passed extending

the northern boundaries of Wood, Henry and Williams counties to the "Harris Line." The same law provided for elections in the new townships formed by extension, and also for the appointment of three Commissioners to run and re-mark the line. Eleven days before this law was passed, however, the Legislative Council of the Territory of Michigan, hearing of the proposed action of Ohio, passed an act providing for the punishment of any person who should attempt to exercise any official functions, or officiate in office within any part of the Territory. The penalty fixed was a fine not exceeding a thousand dollars, or imprisonment, not exceeding five years, or both. This law was the result of a special message of Stevens T. Mason then acting Governor, which he sent to the Legislature when he heard of Governor Lucas's message on the same subject.

The State and the Territory through the solemn acts of their Legislative bodies had now made an issue, and the question began to assume a serious aspect. Governor Lucas was a man of strong and stubborn character, slow, but determined in what he undertook. He was well-fitted by education and ability to take the lead in affairs of state. There was nothing impetuous about him, and every step he took in this affair he did advisedly. Notwithstanding the action of the Michigan Council, Governor Lucas appointed Uri Seely of Geauga, Jonathan Taylor of Licking and John Patterson of Adams, as Commissioners to run and re-mark the "Harris Line." Governor Mason, upon being advised as to what Ohio was doing, addressed General Joseph W. Brown of the third division of the Michigan Militia in the following words:

Executive Office, Detroit, March 9, 1835.

Sir:—You will herewith receive a copy of a letter just received from Columbus. You will now perceive that a collision between Ohio and Michigan is inevitable, and will therefore be prepared to meet the crisis. The Governor of Ohio has issued a proclamation, but I have neither received it, nor have I been able to learn its tendency. You will use every exertion to obtain the earliest information of the military movements of our adversary, as I shall assume the responsibility of sending you such arms, etc., as may be necessary for your successful operation, without your waiting for an order from the Secretary of War, so soon as Ohio is properly in the field. Till then, I am compelled to await the direction of the war department.

Very respectfully your obedient servant,
Stevens T. Mason.

The 31st of March found Governor Lucas with his staff and the Boundary Commissioners at Perrysburg. General John Bell of the seventeenth division of the Ohio militia also arrived with a volunteer force of six hundred men. In the meantime Governor Mason and General Brown had arrived at Toledo with about one thousand men, and there encamped, being fully determined to prevent any re-marking of the "Harris Line." Both Governors eyed each other like pugilists preparing for conflict. Happily before any opening hostilities, two Peace Commissioners from the President of the United States arrived on the scene. They were Richard Rush, of Philadelphia and Benjamin C. Howard of Baltimore, who were appointed to represent

President Jackson in his efforts for peace. This commission prevented bloodshed, and through its influence the militia of both states was disbanded.

Notwithstanding this, however, Governor Lucas determined to run the line. General Brown, the Michigan Commander, was again called out to watch the proceedings. The Boundary Commissioners were accompanied by their surveyor and a posse. When within the disputed territory the sheriff of the county attempted to arrest the party, and did arrest some of them. The Commissioners escaped. The assault on the surveying party created great commotion throughout Ohio. Governor Lucas called a special session of the Legislature, which met on the 8th of June, 1835. This was the first time in the history of the State that the Legislature had been called in session for a special purpose by a Governor. There had been extraordinary sessions twice before, in 1822 and 1832, to redistrict the State for Congress, but they convened by virtue of joint resolutions passed at regular sessions. The determination of the Governor may be well judged in this crisis when we find him appealing to his highest constitutional powers and summoning the Legislative branch of the State government in a manner and for a purpose without a precedent.

In a special message of great length, the Governor detailed the circumstances which had occurred since the adjournment of the Legislature, together with all the correspondence pertaining to them. In retaliation for Michigan's legislation, an act was passed "to prevent the forcible abduction of citizens of Ohio";

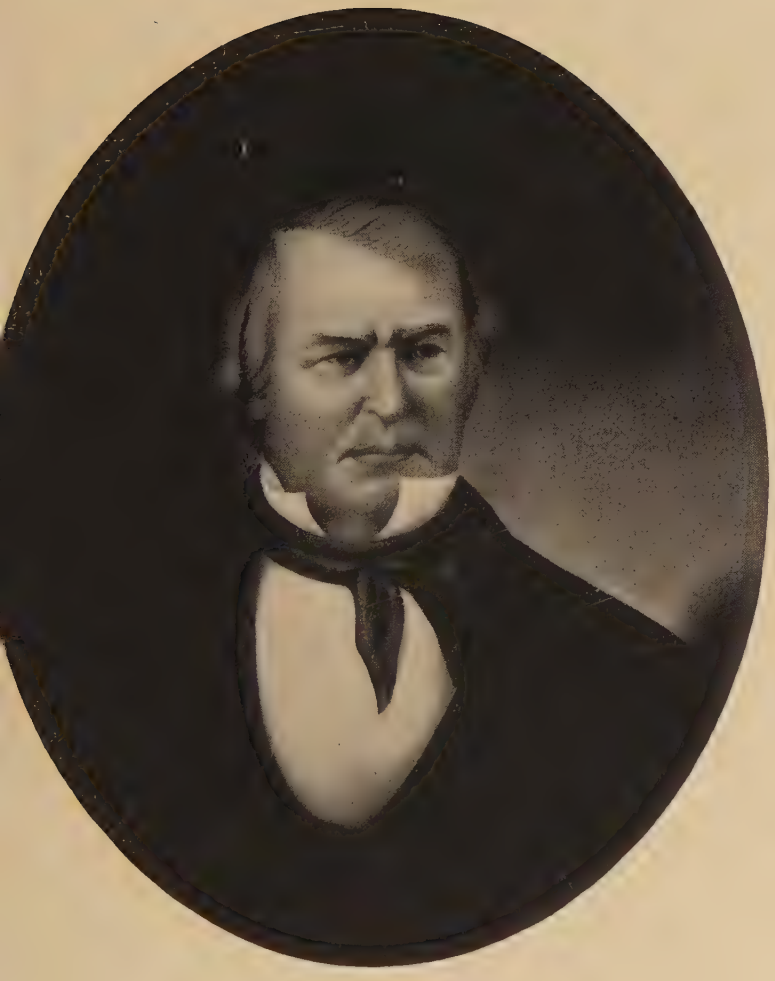
and, in addition to this, the county of Lucas, named such in honor of the Governor, was created, which was composed largely of the disputed territory, and Toledo was made the county seat. Three hundred thousand dollars were appropriated from the State Treasury, and power given the Governor to borrow three hundred thousand more for the purpose of asserting the jurisdiction of Ohio over the territory in question. The Adjutant General reported to the Governor ten thousand troops ready for action. All these preparations only incensed the people of Michigan, and it looked as if the interstate war would break out afresh, to be settled only on the battlefield.

The belligerent conduct of Governor Lucas created much discussion and considerable anxiety at Washington and throughout the country. To relieve the President from uneasiness in the situation, the Governor sent a private commission, consisting of N. H. Swayne, W. Allen and D. T. Disney, to confer with the President on the situation. Upon a full explanation of Ohio's claim, the Secretary of State wrote the Commissioners that "the President, without taking upon himself any other character than that in which he had heretofore acted, will cause an earnest recommendation to be immediately sent to the acting Governor of Michigan, and the other authorities of the Territory, whom he can rightfully advise in the performance of their duty, that no obstruction shall be interposed to the re-marking of the Harris Line; that all proceedings already begun under the act of February, shall be immediately discontinued; that no prosecu-

GOVERNOR JOSEPH VANCE

From a painting by Laura C. Birge in the Capitol at Columbus.

Born, March 21, 1786, in Washington County, Pennsylvania, emigrated to Ohio in 1801; served in the War of 1812; elected to the Legislature in 1812, 1813 and 1815; served in Congress from 1821 to 1836, when he resigned to run for Governor of Ohio; after his term expired he served in the State Senate, Congress and the Constitutional Convention of 1850; he died at Urbana, August 24, 1852.



tions shall be commenced for any subsequent violations of that act, until after the next session of Congress, and that all questions about the disputed jurisdiction shall be carefully avoided, and, if occurring inevitably, their discussion shall be postponed until the same period."

On the 29th of August, 1835, Governor Mason was removed for allowing his zeal for the rights of Michigan to overcome his good judgment. The "Harris Line" was marked by the Commissioners. The final settlement was made at the following session of Congress, when on June 15, 1836, Michigan was admitted to the Union with the "Harris Line" marking her southern boundary, thus giving to Ohio the disputed territory. As a compensation for this, Michigan was given the large and valuable peninsula between Lakes Superior, Huron and Michigan. Ohio thus got the territory she wanted, and Michigan was given the richest bed of mineral ore in the world.

The real object of Ohio's persistent claim for the "Harris Line" was to secure within her boundaries the favored and important harbor at Toledo. It was especially necessary at this time in order to complete the canal system of the State. Keen observers saw that Toledo would, in time, be a great and important point, both in commerce and population. These considerations, legitimate, too, it may be observed, accounted for much of Ohio's persistency in pressing her claims. The controversy engendered at this time much passion and ill-feeling between two otherwise friendly territories, verifying what Lewis Cass wrote

to Edward Tiffin, the United States Surveyor General, November 1, 1817: "A disputed jurisdiction is one of the greatest evils that can happen to a country."

The conduct of Governor Robert Lucas in the "Toledo War" while aggressive, was entirely in the interest of the State. His assertion of Ohio's jurisdiction only ceased when the Federal Government intervened. The transfer of the controversy to Washington relieved him of much of the burden towards the end. Michigan's claims were advocated by John Quincy Adams in the House and by Thomas H. Benton in the Senate, while Ohio had as defenders Thomas Ewing in the Senate and Thomas L. Hamer and Samuel F. Vinton in the House. The position of Ohio was warmly supported by the congressional delegations of Illinois and Indiana. It is not improbable that politics helped to solve the question. The Jackson administration could ill afford to lose the support of the states of Ohio, Indiana and Illinois, just to secure the electoral votes of Michigan.

Governor Lucas's position in the Michigan-Ohio boundary controversy made him a national figure. The manner in which he had discharged his duties in a trying period commended him to friend and foe alike, and when he retired from the office of Governor he took with him the cordial good-will of his fellow-citizens. While he was a political partisan he was always recognized as a faithful public servant. As a soldier of the War of 1812, and as a member of the Senate and House of the General Assembly, he has left behind a record

of efficiency and patriotism. His standing in his party can be seen when it is known that he presided both as temporary and permanent chairman over the first national convention held by the Democratic party, May 21, 1832. After a long political career in Ohio, he was appointed the first territorial Governor of Iowa by President Van Buren in July, 1838, and served in this office until June, 1841. He died at Iowa City, Iowa, February 7, 1853.

On the Fourth of July, 1839, the corner stone of the present State House was laid in the presence of a large assemblage of citizens. The occasion was made one of public display and demonstration. The ceremonies were conducted before the officers of the State and the Judges of the United States Circuit and District Courts. The large corner stone was laid in the northeast angle of the foundation. In the cavity of the stone were placed public documents and papers of the time, gold and silver coins of that period, and specimens of agriculture and manufacturing of Ohio in glass jars. In a glass tube also deposited was a scroll on which was written the following statement:

"The corner stone of the Capitol of Ohio, in the United States of America, was laid, under the direction of the Commissioners, by Jeremiah Morrow, ex-Governor of the state, and one of its earlier pioneers, in the presence of the officers of state, and a large concourse of citizens on the 4th day of July, in the year of our Lord 1839, at meridian, being the sixty-third anniversary of our National Independence. The

State of Ohio, being the sixteenth state admitted into the Union, was organized into an independent State in the year of our Lord 1802."

This dignified document, written to inform future ages of Ohio's place in history, is notable for two errors: the State was the seventeenth admitted to the Union, and not the sixteenth, and it was organized in 1803 and not in 1802.

Owing to captious objections and frivolous differences growing out of local troubles, unnecessary and unwarranted feeling developed against Columbus among the members of the Legislature, and under threats and attempts at a removal of the Capital, work on the State House was suspended for six years. Indeed, so far had this spirit spread in the Legislature, that on the 10th of March, 1840, a law was passed repealing the act passed January 26, 1838, for the erection of the new Capitol. The agitation for the removal of the seat of government was carried on more earnestly than ever before. At the session of 1842-3 the whole subject of removal was referred to a committee, from which came elaborate majority and minority reports. The majority of the committee was strongly opposed to removal, and claimed that it could be done only by a breach of faith and a violation of the pledges of the State. The report of the minority recommended that a joint resolution should be passed requesting the Governor to issue his proclamation calling for proposals looking for a site for the permanent seat of government. These resolutions were adopted by the

Senate, but were defeated in the House. This ended all agitation on this subject, and the question of removing the State Capital from Columbus was put to rest forever.

With the laying of the corner stone of the new Capitol, Ohio may be said to have entered upon a new era. By the census of 1840 she became the third State in point of population, having 1,519,467 inhabitants, being an increase of 63 per cent. over the population of 1830. What wonderful growth that represents! In forty years she had sprung from the eighteenth State to the third on the census roll. Since her foundation she had been almost exclusively an agricultural State, but at this period under the influence of her public works, Ohio exhibited a wonderful development of manufacturing and commercial interests. The census of 1840 indicated that nearly one-third of the population were employed in manufacture and trade. The mining industries were still in their infancy as there were but 620 men so engaged at this time.

The cities, while increasing in number, were still small in size. Cincinnati had but 46,338 inhabitants, while Cleveland was a town of 6,000 and Columbus was the same. Toledo, over whose harbor the boundary war occurred, was a small town of 1,222 people. This decade saw the beginning of the railroad system of Ohio. The Mad River and Lake Erie Railroad Company was the first company incorporated for railroad purposes in the State. This was in 1832. The purpose was to build a road from Dayton to Sandusky, but it was not completed until 1848, when it became the first through line to Lake Erie.

The Governors of Ohio from 1803 to 1840 were all men of the pioneer type, and they all had a great part in the chief events in her history. The following table summarizes the personal and political history of the governorship during these years:

Name	Politics	County	Elected	Served
Edward Tiffin	Dem.	Ross	1803–05	1804–07
Thomas Kirker	Dem.	Adams	Acting	1807–08
Samuel Huntington	Dem.	Trumbull	1808	1809–10
Return J. Meigs, Jr.	Dem.	Washington	1810–12	1811–14
Othniel Looker	Dem.	Hamilton	Acting	1814
Thomas Worthington	Dem.	Ross	1814–16	1815–18
Ethan Allen Brown	Dem.	Hamilton	1818–20	1819–22
Allen Trimble	Fed.	Highland	Acting	1822
Jeremiah Morrow	Dem.	Warren	1822–24	1823–26
Allen Trimble	Whig	Highland	1826–28	1827–30
Duncan McArthur	Whig	Ross	1830	1831–32
Robert Lucas	Dem.	Pike	1832–34	1833–36
Joseph Vance	Whig	Champaign	1836	1837–38
Wilson Shannon	Dem.	Belmont	1838	1839–40

The biographies of these men are so entwined in the history of the State that they are a part of it. The public events prominent in the administrations of Edward Tiffin, Thomas Kirker, Samuel Huntington, Return J. Meigs, Jr., Thomas Worthington and Robert Lucas have made it necessary to give heretofore the details of their lives. It will, therefore, be proper and instructive to include herein the careers of the others concerning whom little has been written.

Othniel Looker became acting Governor when General Meigs resigned to go into Mr. Madison's Cabinet. He was born in New York, October 4, 1757; served as private in the war for independence, but his

revolutionary record is obscure. He came to the Ohio country in the tide of soldier emigration that followed the declaration of peace with Great Britain. He was a man of humble origin and calling. His political career commenced as a member of the House of Representatives; he afterwards entered the Senate, and became its Speaker. From this position he assumed the duties of Governor, which he performed for eight months. He represented Hamilton County in the Legislature from 1807 to 1817, excepting one term. At the election following the expiration of his gubernatorial term he was a candidate against Thomas Worthington, but was defeated.

On the Connecticut shore of Long Island Sound, Ethan Allen Brown, the seventh Governor of Ohio, was born, July 4, 1776. He studied law with Alexander Hamilton, and in 1802 was admitted to the bar. In 1804 he settled at Cincinnati, and commenced the practice of his profession. He soon made for himself the reputation and business of an able lawyer, and in 1810 was elected one of the Supreme Judges of the State by the Ohio Legislature, which position he held for eight years. In 1818 he was elected Governor. Upon assuming this position he agitated the question of constructing the canals. He was reëlected Governor in 1820 over Jeremiah Morrow and General William H. Harrison. On the 13th of January, 1822, he was elected United States Senator. In 1830 he was appointed Minister to Brazil by President Jackson. He remained there for four years, and upon his return to this country he was appointed Commissioner of Public

Lands. After two years of service, he retired to private life and died, February 24, 1852, at Indianapolis, after a long and honorable career.

The ancestors of Allen Trimble were Scotch-Irish settlers of the Valley of Virginia, in Augusta County, where he was born, November 24, 1783. In 1805, he removed to Ohio and took up his residence in Highland County. In the War of 1812 he commanded a regiment composed of troops raised in southern Ohio. His services were valuable and patriotic. In 1816 he was sent to the Ohio House of Representatives, and the next year to the State Senate. He was elected Speaker of the Senate in 1818, and held that position until January 7th, 1822 when he became acting-Governor, and served until the end of that year. He was chosen Governor in the election of 1826, and was reëlected in 1828. Notwithstanding that Ohio was Democratic at the November election of that year, Governor Trimble, as a Whig, was elected by a large majority. He was a man of deep religious sentiments and a consistent professor of Christianity. While he was not endowed with remarkable talents, he possessed that rugged, honest and shrewd ability so common among our pioneers. He died, February 3, 1870, at his home in Hillsboro, Highland County, at the patriarchal age of eighty-seven years.

Jeremiah Morrow was born at Gettysburg, Pennsylvania, October 6, 1771. He settled in Ohio in 1795 at the mouth of the Little Miami River; he soon moved up into what is now Warren County. The fertile valley of the Miami soon attracted emigration and before long it was a populous territory. In this

GOVERNOR WILSON SHANNON

From a painting in the Capitol at Columbus.

Born in Belmont, Ohio, February 24, 1803; he was the first Governor native of Ohio; was a candidate for Governor against Thomas Corwin in 1840 and defeated, although he had been elected in 1838; he was a candidate for the third time in 1842 when he defeated Governor Corwin; resigned the Governorship to be appointed Minister to Mexico; in 1852 he was elected to Congress; in 1857 he was appointed Governor of Kansas Territory; he died at Lawrence, Kansas, August 31, 1877.

GOVERNOR WILSON SHANNON

From a painting in the Capitol at Columbus.

neighborhood he was truly appreciated as a man of worth. His neighbors sent him in 1801 to the Territorial Legislature, then as a delegate to the first Constitutional Convention. In 1803 he went to the Ohio Senate, and in the same year he was elected as a Representative in Congress. For thirteen years—from 1801 to 1813—Ohio was entitled to but one Representative, and Mr. Morrow served during the last ten years while his State was so represented.

He was a member of the United States Senate from Ohio from 1813 to 1819, and served as Chairman of the Committee on Public Lands. In 1822 he was elected Governor over Allen Trimble, and was reëlected at the end of his term. His administration was the period in which the construction of the Public Works of Ohio was commenced. In 1840 he was elected to Congress again. Governor Morrow was a man of solid ability and of great simplicity of character. He died, aged eighty years, March 22, 1853.

In Dutchess county, New York, on the 14th of January, 1772, Duncan McArthur was born of Scotch parentage. His disposition from his youth was for a life of adventure. In 1790 he joined General Harmar in his campaign against the Indians and served until the close. In October, 1793, he accompanied Nathaniel Massie as a chainman on his first surveying tour up the Scioto River. In 1794 he was appointed a scout for the State of Kentucky, his business being to roam along the border for the purpose of keeping the whites advised of the movements of the Indians. In the spring of 1796 he assisted Massie in surveying and laying out the town of Chillicothe. He was a brave

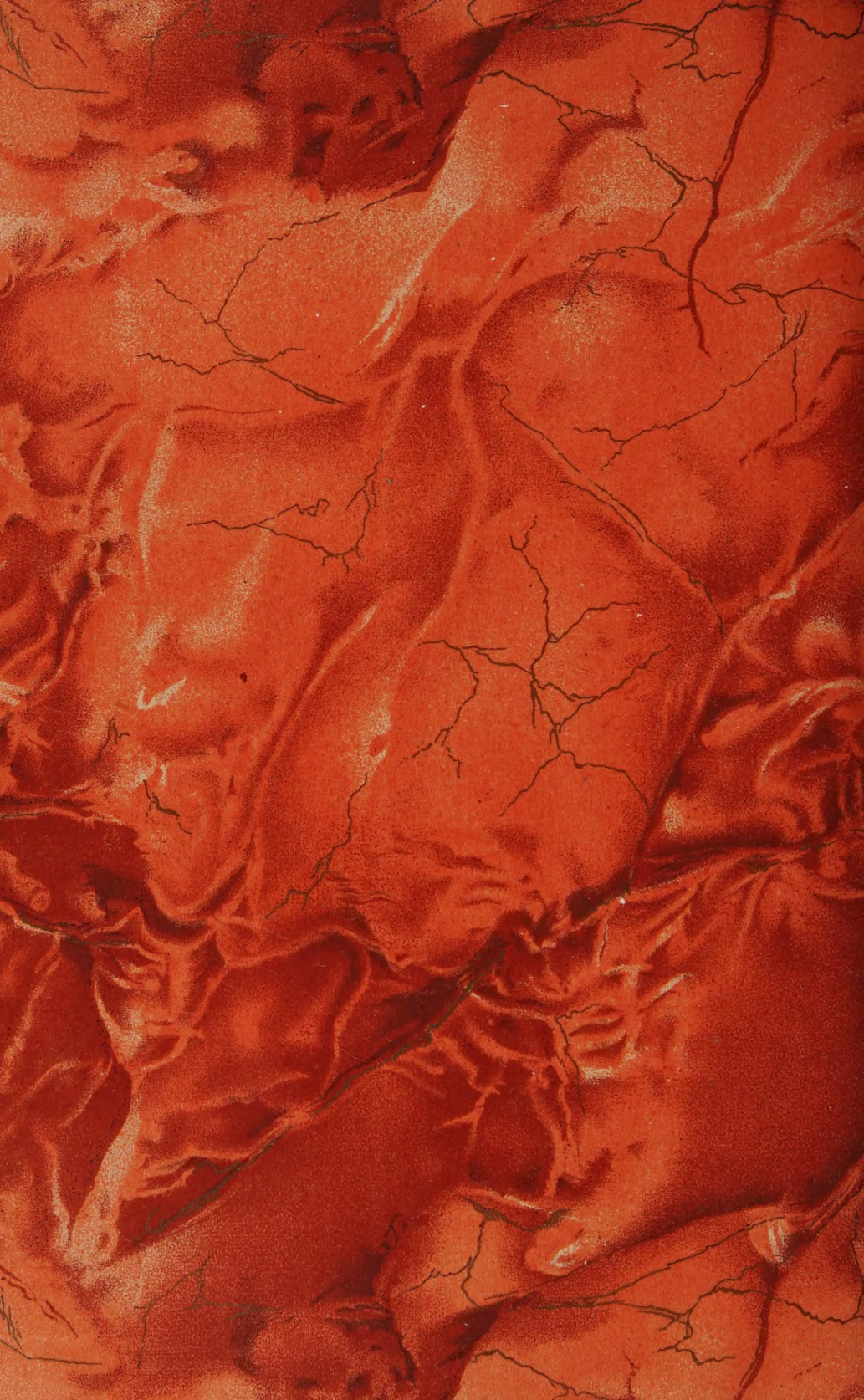
soldier in the war of 1812 and did effective service, resigning his position as a Congressman to accept the commission of brigadier general under General Harrison. Commencing in 1804, he served his county of Ross at different times in the State Legislature, in all about twenty terms. In 1822 he was a second time elected to Congress. In 1830 he was elected Governor and declined a reëlection. He was a pioneer in every sense of the word; an active woodsman, an excellent marksman, and a bold Indian hunter. He died at "Fruit Hill," his residence near Chillicothe, April 28, 1840.

Joseph Vance was born, March 21, 1786, in Washington county, Pennsylvania, of humble Scotch-Irish parentage. Two years later his father emigrated west, living first in Kentucky; in 1801 he crossed into Ohio, and built the first log cabin on the present site of Urbana. Young Vance shared all the hardships of his father's pioneer life, and though he had no educational advantages, he early showed indications of that ability which carried him successfully through life. As captain of a rifle company he was several times engaged in fights with the Indians. In 1812, aided by his brother, he led Hull's army through the unbroken forest to Fort Meigs, and later, with others, under contract, furnished supplies to the army in 1812. He was elected a member of the State Legislature from Champaign county in 1812, 1813 and 1815. He served in Congress from 1821 to 1836, when he resigned to accept the Governorship of Ohio. After his term as Governor, he was a member of the State Senate and also of Congress. He was elected to the Constitu-

tional Convention of 1850, and while attending its sessions he received a paralytic stroke, from which he died at Urbana, August 24, 1852.

In Belmont county, one year after his father had emigrated from Pennsylvania, Wilson Shannon was born, February 24, 1803. He was educated at the Ohio University at Athens and the Transylvania University at Lexington, Kentucky. Returning home, he studied law, and upon his admission to the bar, began the practice at St. Clairsville. His ability as a lawyer soon won for him rich rewards. In 1832 he was nominated for Congress on the Democratic ticket, but was defeated. Two years afterward he carried his county for state's attorney by 1200 majority, attesting his popularity. He was nominated for Governor in 1838, and was elected by over 5,700 majority, but in 1840, in the memorable "Log Cabin" campaign, he was beaten by Tom Corwin by 16,000 majority. In 1842 he was a third time nominated for Governor and defeated Corwin by nearly 2,000 majority. In 1842, having resigned the Governorship, he was sent as Minister to Mexico, where he remained until Texas was admitted, when diplomatic relations between the United States and Mexico were discontinued. Returning home, in 1852, he was sent to Congress. After his term in Congress, he served as Governor of Kansas fourteen months, being superseded by John M. Geary. The year following, he moved to Kansas, practicing law at Lecompton, and afterwards at Topeka, and finally at Lawrence, where he died August 31, 1877.

It is worthy of note that Wilson Shannon was the first Governor of Ohio born within the State.



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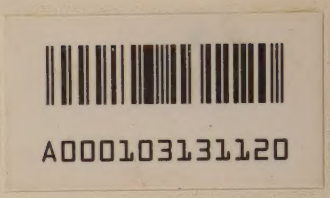
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